

EXHIBIT 1

PART 3

DEFENDANTS' EX. 4

5.05. Elections commission; powers and duties, WI ST 5.05

KeyCite Red Flag - Severe Negative Treatment
 Enacted Legislation Amended by 2017-2018 Wisc. Legis. Serv. Act 369 (2017 S.B. 884) (WEST),
 KeyCite Yellow Flag - Negative Treatment Unconstitutional or Preempted
 KeyCite Yellow Flag - Negative Treatment Proposed Legislation

West's Wisconsin Statutes Annotated

Elections (Ch. 5 to 12)

Chapter 5. Elections--General Provisions; Ballots and Voting Systems (Refs & Annos)

Subchapter I. General Provisions

W.S.A. 5.05

5.05. Elections commission; powers and duties

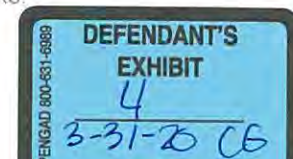
Effective: December 16, 2018

Currentness

(1) **General authority.** The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may:

(b) In the discharge of its duties and after providing notice to any party who is the subject of an investigation, subpoena and bring before it any person and require the production of any papers, books, or other records relevant to an investigation. Notwithstanding s. 885.01(4), the issuance of a subpoena requires action by the commission at a meeting of the commission. In the discharge of its duties, the commission may cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit court.

(c) Bring civil actions to require a forfeiture for any violation of chs. 5 to 10 or 12. The commission may compromise and settle any civil action or potential action brought or authorized to be brought by it which, in the opinion of the commission, constitutes a minor violation, a violation caused by excusable neglect, or which for other good cause shown, should not in the public interest be prosecuted under such chapter. Notwithstanding s. 778.06, a civil action or proposed civil action authorized under this paragraph may be settled for such sum as may be agreed between the parties. Any settlement made by the commission shall be in such amount as to deprive the alleged violator of any benefit of his or her wrongdoing and may contain a penal component to serve as a deterrent to future violations. In settling civil actions or proposed civil actions, the commission shall treat comparable situations in a comparable manner and shall assure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. Except as otherwise provided in sub. (2m)(c)15. and 16. and ss. 5.08 and 5.081, forfeiture actions brought by the commission shall be brought in the circuit court for the county where the defendant resides, or if the defendant is a nonresident of this state, in circuit court for the county wherein the violation is alleged to occur. For purposes of this paragraph, a person other than an individual resides within a county if the person's principal place of operation is located within that county. Whenever the commission enters into a settlement agreement with an individual who is accused of a civil violation of chs. 5 to 10 or 12 or who is investigated by the commission for a possible civil violation of one of those provisions, the commission shall reduce the agreement to writing, together with a statement of the commission's findings and reasons for entering into the agreement and shall retain the agreement and statement in its office for inspection.



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(d) Sue for injunctive relief, a writ of mandamus or prohibition, or other such legal or equitable relief as may be appropriate to enforce any law regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensure its proper administration. No bond is required in such actions. Actions shall be brought in circuit court for the county where a violation occurs or may occur.

(e) Issue an order under s. 5.06, exempt a polling place from accessibility requirements under s. 5.25(4)(a), exempt a municipality from the requirement to use voting machines or an electronic voting system under s. 5.40(5m), approve an electronic data recording system for maintaining poll lists under s. 6.79, or authorize nonappointment of an individual who is nominated to serve as an election official under s. 7.30(4)(e).

(f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

(1e) Actions by the commission. Any action by the commission, except an action relating to procedure of the commission, requires the affirmative vote of at least two-thirds of the members.

(2m) Enforcement. (a) The commission shall investigate violations of laws administered by the commission and may prosecute alleged civil violations of those laws, directly or through its agents under this subsection, pursuant to all statutes granting or assigning that authority or responsibility to the commission. Prosecution of alleged criminal violations investigated by the commission may be brought only as provided in par. (c)11., 14., 15., and 16. and s. 978.05(1). For purposes of this subsection, the commission may only initiate an investigation of an alleged violation of chs. 5 to 10 and 12, other than an offense described under par. (c)12., based on a sworn complaint filed with the commission, as provided under par. (c). Neither the commission nor any member or employee of the commission, including the commission administrator, may file a sworn complaint for purposes of this subsection.

(c) 2. a. Any person may file a complaint with the commission alleging a violation of chs. 5 to 10 or 12. No later than 5 days after receiving a complaint, the commission shall notify each person who or which the complaint alleges committed such a violation. Before voting on whether to take any action regarding the complaint, other than to dismiss, the commission shall give each person receiving a notice under this subd. 2.a. an opportunity to demonstrate to the commission, in writing and within 15 days after receiving the notice, that the commission should take no action against the person on the basis of the complaint. The commission may not conduct any investigation or take any other action under this subsection solely on the basis of a complaint by an unidentified complainant.

am. If the commission finds, by a preponderance of the evidence, that a complaint is frivolous, the commission may order the complainant to forfeit not more than the greater of \$500 or the expenses incurred by the commission in investigating the complaint.

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4. If the commission reviews a complaint and fails to find that there is a reasonable suspicion that a violation under subd. 2. has occurred or is occurring, the commission shall dismiss the complaint. If the commission believes that there is reasonable suspicion that a violation under subd. 2. has occurred or is occurring, the commission may by resolution authorize the commencement of an investigation. The resolution shall specifically set forth any matter that is authorized to be investigated. To assist in the investigation, the commission may elect to retain a special investigator. If the commission elects to retain a special investigator, the administrator of the commission shall submit to the commission the names of 3 qualified individuals to serve as a special investigator. The commission may retain one or more of the individuals. If the commission retains a special investigator to investigate a complaint against a person who is a resident of this state, the commission shall provide to the district attorney for the county in which the person resides a copy of the complaint and shall notify the district attorney that it has retained a special investigator to investigate the complaint. For purposes of this subdivision, a person other than an individual resides within a county if the person's principal place of operation is located within that county. The commission shall enter into a written contract with any individual who is retained as a special investigator setting forth the terms of the engagement. A special investigator who is retained by the commission may request the commission to issue a subpoena to a specific person or to authorize the special investigator to request the circuit court of the county in which the specific person resides to issue a search warrant. The commission may grant the request by approving a motion to that effect at a meeting of the commission if the commission finds that such action is legally appropriate.

5. Each special investigator who is retained by the commission shall make periodic reports to the commission, as directed by the commission, but in no case may the interval for reporting exceed 30 days. If the commission authorizes the commission administrator to investigate any matter without retaining a special investigator, the administrator shall make periodic reports to the commission, as directed by the commission, but in no case may the reporting interval exceed 30 days. During the pendency of any investigation, the commission shall meet for the purpose of reviewing the progress of the investigation at least once every 90 days. The special investigator or the administrator shall report in person to the commission at that meeting concerning the progress of the investigation. If, after receiving a report, the commission does not vote to continue an investigation for an additional period not exceeding 90 days, the investigation is terminated at the end of the reporting interval. The commission shall not expend more than \$25,000 to finance the cost of an investigation before receiving a report on the progress of the investigation and a recommendation to commit additional resources. The commission may vote to terminate an investigation at any time. If an investigation is terminated, any complaint from which the investigation arose is deemed to be dismissed by the commission. Unless an investigation is terminated by the commission, at the conclusion of each investigation, the administrator shall present to the commission one of the following:

- a. A recommendation to make a finding that probable cause exists to believe that one or more violations under subd. 2. have occurred or are occurring, together with a recommended course of action.
- b. A recommendation for further investigation of the matter together with facts supporting that course of action.
- c. A recommendation to terminate the investigation due to lack of sufficient evidence to indicate that a violation under subd. 2 has occurred or is occurring.

6. a. If the commission finds that there is probable cause to believe that a violation under subd. 2. has occurred or is occurring, the commission may authorize the commission administrator to file a civil complaint against the alleged violator. In such case, the administrator may request the assistance of special counsel to prosecute any action brought by the

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commission. If the administrator requests the assistance of special counsel with respect to any matter, the administrator shall submit to the commission the names of 3 qualified individuals to serve as special counsel. The commission may retain one of the individuals to act as special counsel. The staff of the commission shall provide assistance to the special counsel as may be required by the counsel to carry out his or her responsibilities.

b. The commission shall enter into a written contract with any individual who is retained as special counsel setting forth the terms of the engagement. The contract shall set forth the compensation to be paid such counsel by the state. The contract shall be executed on behalf of the state by the commission and the commission shall file the contract in the office of the secretary of state. The compensation shall be charged to the appropriation under s. 20.510(1)(br).

7. No individual who is appointed or retained by the commission to serve as special counsel or as a special investigator is subject to approval under s. 20.930.

9. At the conclusion of its investigation, the commission shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation under subd. 2. has occurred or is occurring. If the commission determines that no probable cause exists, it shall dismiss the complaint. Whenever the commission dismisses a complaint or a complaint is deemed to be dismissed under subd. 5., the commission shall immediately send written notice of the dismissal to the accused and to the party who made the complaint.

10. The commission shall inform the accused or his or her counsel of exculpatory evidence in its possession.

11. If the commission finds that there is probable cause to believe that a violation under subd. 2. has occurred or is occurring, the commission may, in lieu of civil prosecution of any matter by the commission, refer the matter to the district attorney for the county in which the alleged violator resides, or if the alleged violator is a nonresident, to the district attorney for the county where the matter arises, or if par. (i) applies, to the attorney general or a special prosecutor. For purposes of this subdivision, a person other than a natural person resides within a county if the person's principal place of operation is located within that county.

12. The commission shall, by rule, prescribe categories of civil offenses which the commission will agree to compromise and settle without a formal investigation upon payment of specified amounts by the alleged offender. The commission may authorize the commission administrator to compromise and settle such alleged offenses in the name of the commission if the alleged offenses by an offender, in the aggregate, do not involve payment of more than \$2,500.

13. If a special investigator or the commission administrator, in the course of an investigation authorized by the commission, discovers evidence that a violation under subd. 2. that was not within the scope of the authorized investigation has occurred or is occurring, the special investigator or the administrator may present that evidence to the commission. If the commission finds that there is a reasonable suspicion that a violation under subd. 2. that is not within the scope of the authorized investigation has occurred or is occurring, the commission may authorize the special investigator or the administrator to investigate the alleged violation or may elect to authorize a separate investigation of the alleged violation as provided in subd. 4.

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14. If a special investigator or the commission administrator, in the course of an investigation authorized by the commission, discovers evidence of a potential violation of a law that is not administered by the commission arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, the special investigator or the administrator may present that evidence to the commission. The commission may thereupon refer the matter to the appropriate district attorney specified in subd. 11. or may refer the matter to the attorney general. The attorney general may then commence a civil or criminal prosecution relating to the matter.

15. Except as provided in subd. 17., if the commission refers a matter to the district attorney specified in subd. 11. for prosecution of a potential violation under subd. 2. or 14. and the district attorney informs the commission that he or she declines to prosecute any alleged civil or criminal violation related to any matter referred to the district attorney by the commission, or the district attorney fails to commence a prosecution of any civil or criminal violation related to any matter referred to the district attorney by the commission within 60 days of the date of the commission's referral, the commission may refer the matter to the district attorney for another prosecutorial unit that is contiguous to the prosecutorial unit of the district attorney to whom the matter was originally referred. If there is more than one such prosecutorial unit, the chairperson of the commission shall determine the district attorney to whom the matter shall be referred by publicly drawing lots at a meeting of the commission. The district attorney may then commence a civil or criminal prosecution relating to the matter.

16. Except as provided in subd. 17., if the commission refers a matter to a district attorney under subd. 15. for prosecution of a potential violation under subd. 2. or 14. and the district attorney informs the commission that he or she declines to prosecute any alleged civil or criminal violation related to any matter referred to the district attorney by the commission, or the district attorney fails to commence a prosecution of any civil or criminal violation related to any matter referred to the district attorney by the commission within 60 days of the date of the commission's referral, the commission may refer the matter to the attorney general. The attorney general may then commence a civil or criminal prosecution relating to the matter.

17. The commission is not authorized to act under subd. 15. or 16. if a special prosecutor is appointed under s. 978.045 in lieu of the district attorney specified in subd. 11.

18. Whenever the commission refers a matter to special counsel or to a district attorney or to the attorney general under this subsection, the special counsel, district attorney, or attorney general shall report to the commission concerning any action taken regarding the matter. The report shall be transmitted no later than 40 days after the date of the referral. If the matter is not disposed of during that period, the special counsel, district attorney, or attorney general shall file a subsequent report at the end of each 30-day period following the filing of the initial report until final disposition of the matter.

(d)1. No individual who serves as the commission administrator may have been a lobbyist, as defined in s. 13.62(11). No such individual may have served in a partisan state or local office.

2. No employee of the commission, while so employed, may become a candidate, as defined in s. 11.0101(1), for a state or partisan local office. No individual who is retained by the commission to serve as a special investigator or as special counsel may, while so retained, become a candidate, as defined in s. 11.0101(1), for any state or local office. A filing officer shall decline to accept nomination papers or a declaration of candidacy from any individual who does not qualify to become a candidate under this paragraph.

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(e) No individual who serves as an employee of the commission and no individual who is retained by the commission to serve as a special investigator or a special counsel may, while so employed or retained, make a contribution to a candidate for state or local office. No individual who serves as an employee of the commission and no individual who is retained by the commission to serve as a special investigator or as special counsel, for 12 months prior to becoming so employed or retained, may have made a contribution to a candidate for a partisan state or local office. In this paragraph, contribution has the meaning given in s. 11.0101(8).

(f) Pursuant to any investigation authorized under par. (c), the commission has the power:

1. To require any person to submit in writing such reports and answers to questions relevant to the proceedings as the commission may prescribe, such submission to be made within such period and under oath or otherwise as the commission may determine.

2. To order testimony to be taken by deposition before any individual who is designated by the commission and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by sub. (1)(b).

4. To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.

5. To request and obtain from the department of revenue copies of state income or franchise tax returns and access to other appropriate information under s. 71.78(4) regarding all persons who are the subject of such investigation.

(h) If the defendant in an action for a civil violation of chs. 5 to 10 or 12 is a district attorney or a circuit judge or a candidate for either such office, the action shall be brought by the commission. If the defendant in an action for a civil violation of chs. 5 to 10 or 12 is the attorney general or a candidate for that office, the commission may appoint special counsel to bring suit on behalf of the state.

(i) If the defendant in an action for a criminal violation of chs. 5 to 10 or 12 is a district attorney or a circuit judge or a candidate for either such office, the action shall be brought by the attorney general. If the defendant in an action for a criminal violation of chs. 5 to 10 or 12 is the attorney general or a candidate for that office, the commission may appoint a special prosecutor to conduct the prosecution on behalf of the state.

(j) Any special counsel or prosecutor who is appointed under par. (h) or (i) shall be independent of the attorney general and need not be a state employee at the time of his or her appointment.

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(k) The commission's power to initiate civil actions under this subsection for the enforcement of chs. 5 to 10 or 12 shall be the exclusive remedy for alleged civil violations of chs. 5 to 10 or 12.

(2q) Supplemental funding for ongoing investigations. The commission may request supplemental funds to be credited to the appropriation account under s. 20.510(1)(be) for the purpose of continuing an ongoing investigation initiated under sub. (2m). A request under this subsection shall be filed with the secretary of administration and the cochairpersons of the joint committee on finance in writing and shall contain a statement of the action requested, the purposes therefor, the statutory provision authorizing or directing the performance of the action, and information about the nature of the investigation for which the commission seeks supplemental funds, excluding the name of any individual or organization that is the subject of the investigation. If the cochairpersons of the joint committee on finance do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the request within 14 working days after the commission filed the request, the secretary shall supplement the appropriation under s. 20.510(1)(be) from the appropriation under s. 20.505(1)(d) in an amount not to exceed the amount the commission requested. If, within 14 working days after the commission filed the request, the cochairpersons of the joint committee on finance notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the commission's request under this subsection, the secretary may supplement the appropriation under s. 20.510(1)(be) only with the committee's approval. The committee and the secretary shall notify the commission of all their actions taken under this subsection.

(2w) Elections commission. The elections commission has the responsibility for the administration of chs. 5 to 10 and 12.

(3d) Administrator. The commission shall appoint an administrator in the manner provided under s. 15.61(1)(b). The administrator shall be outside the classified service. The administrator shall appoint such other personnel as he or she requires to carry out the duties of the commission and may designate a commission employee to serve as the commission's legal counsel. The administrator shall perform such duties as the commission assigns to him or her in the administration of chs. 5 to 10 and 12.

(3g) Chief election officer. The commission administrator shall serve as the chief election officer of this state.

(4) Employees. All employees of the commission shall be nonpartisan.

(5e) Annual report. The commission shall submit an annual report under s. 15.04(1)(d) and shall include in its annual report the names and duties of all individuals employed by the commission and a summary of its determinations and advisory opinions issued under sub. (6a). Except as authorized or required under sub. (5s)(f), the commission shall make sufficient alterations in the summaries to prevent disclosing the identities of individuals or organizations involved in the decisions or opinions. The commission shall identify in its report the statutory duties of the commission administrator, together with a description of the manner in which those duties are being fulfilled. Notwithstanding sub. (5s) and s. 12.13(5), the commission shall also specify in its report the total number of investigations conducted by the commission since the last annual report and a description of the nature of each investigation. The commission shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as it deems desirable.

(5f) Advice to commission. The joint committee on legislative organization shall be advisory to the commission on all

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matters relating to operation of the commission.

(5s) Access to records. Records obtained or prepared by the commission in connection with an investigation, including the full text of any complaint received by the commission, are not subject to the right of inspection and copying under s. 19.35(1), except as follows:

(a) The commission shall permit inspection of records that are distributed or discussed in the course of a meeting or hearing by the commission in open session.

(am) The commission shall provide to the joint committee on finance records obtained or prepared by the commission in connection with an ongoing investigation when required under sub. (2q).

(b) Investigatory records of the commission may be made public in the course of a prosecution initiated under chs. 5 to 10 or 12.

(bm) The commission shall provide investigatory records to the state auditor and the employees of the legislative audit bureau to the extent necessary for the bureau to carry out its duties under s. 13.94.

(c) The commission shall provide information from investigation and hearing records that pertains to the location of individuals and assets of individuals as requested under s. 49.22(2m) by the department of children and families or by a county child support agency under s. 59.53(5).

(d) If the commission commences a civil prosecution of a person for an alleged violation of chs. 5 to 10 or 12 as the result of an investigation, the person who is the subject of the investigation may authorize the commission to make available for inspection and copying under s. 19.35(1) records of the investigation pertaining to that person if the records are available by law to the subject person and the commission shall then make those records available.

(e) The following records of the commission are open to public inspection and copying under s. 19.35(1):

1. Any record of the action of the commission authorizing the filing of a civil complaint under sub. (2m)(c)6.

2. Any record of the action of the commission referring a matter to a district attorney or other prosecutor for investigation or prosecution.

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3. Any record containing a finding that a complaint does not raise a reasonable suspicion that a violation of the law has occurred.

4. Any record containing a finding, following an investigation, that no probable cause exists to believe that a violation of the law has occurred.

(f) The commission shall make public formal and informal advisory opinions and records obtained in connection with requests for formal or informal advisory opinions relating to matters under the jurisdiction of the commission, including the identity of individuals requesting such opinions or organizations or governmental bodies on whose behalf they are requested.

(5t) Guidance following binding court decisions. Within 2 months following the publication of a decision of a state or federal court that is binding on the commission and this state, the commission shall issue updated guidance or formal advisory opinions, commence the rule-making procedure to revise administrative rules promulgated by the commission, or request an opinion from the attorney general on the applicability of the court decision.

(6a) Advisory opinions. (a)1. Any individual, either personally or on behalf of an organization or governmental body, may make a request of the commission in writing, electronically, or by telephone for a formal or informal advisory opinion regarding the propriety under chs. 5 to 10 or 12 of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the commission a formal or informal advisory opinion regarding the propriety under chs. 5 to 10 or 12 of any matter to which the prospective appointee is or may become a party. The commission shall review a request for an advisory opinion and may issue a formal or informal written or electronic advisory opinion to the person making the request. Except as authorized or required for opinions specified in sub. (5s)(f), the commission's deliberations and actions upon such requests shall be in meetings not open to the public. A member of the commission may, by written request, require the commission to review an advisory opinion.

2. To have legal force and effect, each formal and informal advisory opinion issued by the commission must be supported by specific legal authority under a statute or other law, or by specific case or common law authority. Each formal and informal advisory opinion shall include a citation to each statute or other law and each case or common law authority upon which the opinion is based, and shall specifically articulate or explain which parts of the cited authority are relevant to the commission's conclusion and why they are relevant.

3. No person acting in good faith upon a formal or informal advisory opinion issued by the commission under this subsection is subject to criminal or civil prosecution for so acting, if the material facts are as stated in the opinion request.

4. At each regular meeting of the commission, the administrator shall review informal advisory opinions requested of and issued by the administrator and that relate to recurring issues or issues of first impression for which no formal advisory opinion has been issued. The commission may determine to issue a formal advisory opinion adopting or modifying the informal advisory opinion. If the commission disagrees with a formal or informal advisory opinion that has been issued by or on behalf of the commission, the commission may withdraw the opinion, issue a revised formal or informal advisory opinion, or request an opinion from the attorney general. No person acting after the date of the withdrawal or issuance of the revised

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advisory opinion is exempted from prosecution under this subsection if the opinion upon which the person's action is based has been withdrawn or revised in relevant degree.

5. Except as authorized or required under sub. (5s)(f), no member or employee of the commission may make public the identity of the individual requesting a formal or informal advisory opinion or of individuals or organizations mentioned in the opinion.

(b)1. The commission may authorize the commission administrator or his or her designee to issue an informal written advisory opinion or transmit an informal advisory opinion electronically on behalf of the commission, subject to such limitations as the commission deems appropriate. Every informal advisory opinion shall be consistent with applicable formal advisory opinions issued by the commission, statute or other law, and case law.

2. Any individual may request in writing, electronically, or by telephone an informal advisory opinion from the commission under this paragraph. The commission's designee shall provide a written response, a written reference to an applicable statute or law, or a written reference to a formal advisory opinion of the commission to the individual, or shall refer the request to the commission for review and the issuance of a formal advisory opinion.

3. Any person receiving an informal advisory opinion under this paragraph may, at any time, request a formal advisory opinion from the commission on the same matter.

(c)1. Any individual may request in writing, electronically, or by telephone a formal advisory opinion from the commission or the review or modification of a formal advisory opinion issued by the commission under this paragraph. The individual making the request shall include all pertinent facts relevant to the matter. The commission shall review a request for a formal advisory opinion and may issue a formal advisory opinion to the individual making the request. Except as authorized or required for opinions specified in sub. (5s)(f), the commission's deliberations and actions upon such requests shall be in meetings not open to the public.

2. Any person requesting a formal advisory opinion under this paragraph may request a public or private hearing before the commission to discuss the opinion. The commission shall grant a request for a public or private hearing under this paragraph.

3. Promptly upon issuance of each formal advisory opinion, the commission shall publish the opinion together with the information specified under sub. (5s)(f) on the commission's Internet site.

4. If the commission declines to issue a formal advisory opinion, it may refer the matter to the attorney general or to the standing legislative oversight committees.

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(7) Administrative meetings and conferences. The commission shall conduct regular information and training meetings at various locations in the state for county and municipal clerks and other election officials. Administrative meetings shall be designed to explain the election laws and the forms and rules of the commission, to promote uniform procedures and to assure that clerks and other officials are made aware of the integrity and importance of the vote of each citizen. The commission may conduct conferences relating to election laws, practice and procedure. The commission may charge persons attending the administrative meetings and conferences for its costs incurred in conducting the meetings and conferences at a rate not exceeding the per capita cost incurred by the commission.

(9) Standing. The commission has standing to commence or intervene in any civil action or proceeding for the purpose of enforcing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

(10) State election administration plan. With the approval of the joint committee on finance as provided in this subsection, the commission shall adopt and modify as necessary a state plan that meets the requirements of P.L. 107-252 to enable participation by this state in federal financial assistance programs authorized under that law. The commission shall adopt the plan and any modifications only after publishing a class 1 notice under ch. 985 or posting on the Internet a statement describing the proposed plan or modification and receiving public comment thereon. After approval of the proposed plan or any modification of the plan by the commission, the commission shall submit the proposed plan or modification to the joint committee on finance for the approval of the committee. The commission may adopt the proposed plan or modification only if the committee approves the proposed plan or modification.

(11) Aids to counties and municipalities. From the appropriations under s. 20.510(1)(t) and (x), the commission may provide financial assistance to eligible counties and municipalities for election administration costs in accordance with the plan adopted under sub. (10). As a condition precedent to receipt of assistance under this subsection, the commission shall enter into an agreement with the county or municipality receiving the assistance specifying the intended use of the assistance and shall ensure compliance with the terms of the agreement. Each agreement shall provide that if the federal government objects to the use of any assistance moneys provided to the county or municipality under the agreement, the county or municipality shall repay the amount of the assistance provided to the commission.

(12) Voter education. The commission may conduct or prescribe requirements for educational programs to inform electors about voting procedures, voting rights, and voting technology. The commission shall conduct an educational program for the purpose of educating electors who cast paper ballots, ballots that are counted at a central counting location, and absentee ballots of the effect of casting excess votes for a single office.

(13) Toll-free election information and requests. (a) The commission shall maintain one or more toll-free telephone lines for electors to report possible voting fraud and voting rights violations, to obtain general election information, and to access information concerning their registration status, current polling place locations, and other information relevant to voting in elections..

(b) The commission may maintain a free access system under which an elector who votes under s. 6.96 or 6.97 may ascertain current information concerning whether the elector's vote has been counted, and, if the vote will not be counted, the reason that it will not be counted.

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(c) The commission shall maintain a freely accessible system under which a military elector, as defined in s. 6.34(1), or an overseas elector who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk.

(d) The commission shall designate and maintain at least one freely accessible means of electronic communication which shall be used for the following purposes:

1. To permit a military elector, as defined in s. 6.34(1), or an overseas elector to request a voter registration application or an application for an absentee ballot at any election at which the elector is qualified to vote in this state.

2. To permit a military elector or an overseas elector under subd. 1. to designate whether the elector wishes to receive the applications under subd. 1. electronically or by mail.

3. To permit a municipal clerk to transmit to a military elector or an overseas elector under subd. 1. a registration application or absentee ballot application electronically or by mail, as directed by the elector under subd. 2., together with related voting, balloting, and election information.

(14) Information from county and municipal clerks. (a) The commission may request information from county and municipal clerks relating to election administration, performance of electronic voting systems and voting machines, and use of paper ballots in elections.

(b) The commission shall establish a subscription service whereby a person may electronically access the absentee ballot information provided under s. 6.33(5)(a), including semiweekly updates of such information.

(c) On election night the commission shall provide a link on its Internet site to the posting of each county's election returns on each county's Internet site.

(15) Registration list. The commission is responsible for the design and maintenance of the official registration list under s. 6.36. The commission shall require all municipalities to use the list in every election and may require any municipality to adhere to procedures established by the commission for proper maintenance of the list.

(16) Policies and procedures. (a) Annually, the commission shall adopt written policies and procedures in order to govern its internal operations and management and shall annually report such policies and procedures to the appropriate standing

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committees of the legislature under s. 13.172(3).

(b) Notwithstanding par. (a), the commission may reconsider at any time any policy or procedure adopted as provided under par. (a). If, upon reconsideration, the commission revises a previously reported policy or procedure, the commission shall report the revision to the appropriate standing committees of the legislature under s. 13.172(3).

(c) The commission may reconsider at any time any written directives or written guidance provided to the general public or to any person subject to the provisions of chs. 5 to 10 and 12 with regard to the enforcement and administration of those provisions.

(17) Payments. The commission may accept payment by credit card, debit card, or other electronic payment mechanism for any amounts owed pursuant to the administration of chs. 5 to 10 or 12, and may charge a surcharge to the payer to recover charges associated with the acceptance of that electronic payment.

(18) Electronic poll lists. The commission may facilitate the creation and maintenance of electronic poll lists for purposes of s. 6.79 including entering into contracts with vendors and establishing programs for development and testing.

Credits

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W. S. A. 5.05, WI ST 5.05

Current through 2019 Act 102, published February 6, 2020

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DEFENDANTS' EX. 5

§ 21-2-50. Powers and duties of Secretary of State, GA ST § 21-2-50

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Code of Georgia Annotated

Title 21. Elections (Refs & Annos)

Chapter 2. Elections and Primaries Generally (Refs & Annos)

Article 2. Supervisory Boards and Officers

Part 2. Secretary of State

Ga. Code Ann., § 21-2-50

§ 21-2-50. Powers and duties of Secretary of State

Effective: April 2, 2019

Currentness

(a) The Secretary of State shall exercise all the powers granted to the Secretary of State by this chapter and shall perform all the duties imposed by this chapter, which shall include the following:

(1) To determine the forms of nomination petitions, ballots, and other forms the Secretary of State is required to determine under this chapter;

(2) To receive registration statements from political parties and bodies and to determine their sufficiency prior to filing, in accordance with this chapter, and to settle any disputes concerning such statements;

(3) To receive and determine the sufficiency of nomination petitions of candidates filing notice of their candidacy with the Secretary of State in accordance with this chapter;

(4) To certify to the proper superintendent official lists of all the political party candidates who have been certified to the Secretary of State as qualified candidates for the succeeding primary and to certify to the proper superintendent official lists of all the candidates who have filed their notices of candidacy with the Secretary of State, both such certifications to be in substantially the form of the ballots to be used in the primary or election. The Secretary of State shall add to such form the language to be used in submitting any proposed constitutional amendment or other question to be voted upon at such election;

(5) To furnish to the proper superintendent all blank forms, including tally and return sheets, numbered lists of voters, cards of instructions, notices of penalties, instructions for marking ballots, tally sheets, precinct returns, recap sheets, consolidated returns, oaths of managers and clerks, oaths of assisted electors, voters certificates and binders, applications



§ 21-2-50. Powers and duties of Secretary of State, GA ST § 21-2-50

for absentee ballots, envelopes and instruction sheets for absentee ballots, and such other supplies as the Secretary of State shall deem necessary and advisable from time to time, for use in all elections and primaries. Such forms shall have printed thereon appropriate instructions for their use;

(6) To receive from the superintendent the returns of primaries and elections and to canvass and compute the votes cast for candidates and upon questions, as required by this chapter;

(7) To furnish upon request a certified copy of any document in the Secretary of State's custody by virtue of this chapter and to fix and charge a fee to cover the cost of furnishing same;

(8) To perform such other duties as may be prescribed by law;

(9) To determine and approve the form of ballots for use in special elections;

(10) To prepare and provide a notice to all candidates for federal or state office advising such candidates of such information, to include requirements of this chapter, as may, in the discretion of the Secretary of State, be conducive to the fair, legal, and orderly conduct of primaries and elections. A copy of such notice shall be provided to each superintendent for further distribution to candidates for county and militia district offices;

(11) To conduct training sessions at such places as the Secretary of State deems appropriate in each year, for the training of registrars and superintendents of elections;

(12) To prepare and publish, in the manner provided in this chapter, all notices and advertisements in connection with the conduct of elections which may be required by law;

(13) To prepare and furnish information for citizens on voter registration and voting;

(14) To maintain the official list of registered voters for this state and the list of inactive voters required by this chapter; and

(15) To develop, program, build, and review ballots for use by counties and municipalities on voting systems in use in the state.

(b) As the state's chief election official, the Secretary of State shall not serve in any fiduciary capacity for the campaign of

§ 21-2-50. Powers and duties of Secretary of State, GA ST § 21-2-50

any candidate whose election will be certified by the Secretary of State. Nothing in this subsection shall prohibit the Secretary of State from organizing and operating his or her own campaign for election to public office.

Credits

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1969, p. 329, § 3; Laws 1970, p. 347, § 2; Laws 1977, p. 1053, § 1; Laws 1979, p. 955, § 1; Laws 1983, p. 140, § 1; Laws 1986, p. 382, § 1; Laws 1994, p. 1443, § 1; Laws 1998, p. 295, § 1; Laws 2001, p. 240, § 2; Laws 2003, Act 209, § 3, eff. July 1, 2003; Laws 2005, Act 53, § 6, eff. July 1, 2005; Laws 2019, Act 24, § 2, eff. April 2, 2019.

Formerly Code 1933, § 34-301.

Ga. Code Ann., § 21-2-50, GA ST § 21-2-50

The statutes and Constitution are current through Laws 2020, Act 322. Some statute sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.

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DEFENDANTS' EX. 6

§ 21-2-70. Powers and duties of superintendents, GA ST § 21-2-70

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Code of Georgia Annotated

Title 21. Elections (Refs & Annos)

Chapter 2. Elections and Primaries Generally (Refs & Annos)

Article 2. Supervisory Boards and Officers

Part 3. Superintendents

Ga. Code Ann., § 21-2-70

§ 21-2-70. Powers and duties of superintendents

Effective: July 1, 2011

Currentness

Each superintendent within his or her county or municipality shall exercise all the powers granted to him or her by this chapter and shall perform all the duties imposed upon him or her by this chapter, which shall include the following:

- (1) To receive and act upon all petitions presented by electors, the board of registrars, or the county executive committee of a political party for the division, redivision, alteration, change, or consolidation of precincts;
- (2) To receive and determine the sufficiency of nomination petitions of candidates filing notice of their candidacy with him or her in accordance with this chapter;
- (3) To prepare and publish, in the manner provided by this chapter, all notices and advertisements, in connection with the conduct of elections, which may be required by law, and to transmit immediately to the Secretary of State a copy of any publication in which a call for a special primary, election, or runoff is issued;
- (4) To select and equip polling places for use in primaries and elections in accordance with this chapter;
- (5) To purchase, except voting machines, preserve, store, and maintain election equipment of all kinds, including voting booths and ballot boxes and to procure ballots and all other supplies for primaries and elections;
- (6) To appoint poll officers and other officers to serve in primaries and elections in accordance with this chapter;



§ 21-2-70. Powers and duties of superintendents, GA ST § 21-2-70

(7) To make and issue such rules, regulations, and instructions, consistent with law, including the rules and regulations promulgated by the State Election Board, as he or she may deem necessary for the guidance of poll officers, custodians, and electors in primaries and elections;

(8) To instruct poll officers and others in their duties, calling them together in meetings whenever deemed advisable, and to inspect systematically and thoroughly the conduct of primaries and elections in the several precincts of his or her county to the end that primaries and elections may be honestly, efficiently, and uniformly conducted;

(9) To receive from poll officers the returns of all primaries and elections, to canvass and compute the same, and to certify the results thereof to such authorities as may be prescribed by law;

(10) To announce publicly, by posting in his or her office, the results of all primaries and elections held in his or her county or municipality;

(11) In any general election at which a proposal to amend the Constitution or to provide for a new Constitution is submitted to the electors for ratification, the election superintendent shall provide copies of the summary of such proposal prepared pursuant to Article X, Section I, Paragraph II of the Constitution as provided in this paragraph. A reasonable number of copies of such summary shall be conspicuously available in each polling place;

(12) To prepare annually a budget estimate of his or her expenses under this chapter, in which shall be set forth an itemized list of expenditures for the preceding two years and an itemized estimate of the amount of money necessary to be appropriated for the ensuing year and to submit the same at the time and in the manner and form other budget estimates of his or her county or municipality are now or may hereafter be required to be filed;

(13) To conduct all elections in such manner as to guarantee the secrecy of the ballot and to perform such other duties as may be prescribed by law;

(14) To become certified by satisfactorily completing a certification program as set forth in Code Section 21-2-101; and

(15)(A) In the case of a judge of the probate court serving as the election superintendent, such person shall take an oath in the following form upon assuming the duties of election superintendent which shall apply to all primaries and elections conducted by such person throughout such person's tenure as election superintendent:

I, _____, do swear (or affirm) that I will as superintendent duly attend all ensuing primaries and elections during the continuance thereof, that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of such primaries and elections, and that I will at all times truly, impartially, and faithfully perform my duties in accordance with Georgia laws to the best of my judgment and ability.

§ 21-2-70. Powers and duties of superintendents, GA ST § 21-2-70

(B) In the case of a board of elections, each member of the board shall take an oath in the following form upon becoming a member of the board which shall apply to all primaries and elections conducted by the board throughout such person's tenure on the board:

I, _____, do swear (or affirm) that I will as a member of the board of elections duly attend all ensuing primaries and elections during the continuance thereof, that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of such primaries and elections, and that I will at all times truly, impartially, and faithfully perform my duties in accordance with Georgia laws to the best of my judgment and ability.

(C) In the case of an election supervisor or designee for a board of elections or board of elections and registration, the election supervisor or designee shall take an oath in the following form upon being appointed as an election supervisor or designee of the board which shall apply to all primaries and elections conducted by the board throughout such person's tenure:

I, _____, do swear (or affirm) that I will duly attend all ensuing primaries and elections during the continuance thereof, that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of such primaries and elections, and that I will at all times truly, impartially, and faithfully perform my duties in accordance with Georgia laws to the best of my judgment and ability.

(D) Each judge of the probate court serving as an election superintendent, each member of a board of elections or board of elections and registration, and each election supervisor or designee for a board of elections or board of elections and registration serving on July 1, 2011, shall take the appropriate oath as set forth in this Code section which shall apply to all primaries and elections conducted throughout such person's tenure in that position.

Credits

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1970, p. 347, § 4; Laws 1981, p. 1718, § 1; Laws 1982, p. 1512, § 5; Laws 1997, p. 590, § 4; Laws 1998, p. 295, § 1; Laws 1999, p. 21, § 1; Laws 2003, Act 209, § 5, eff. July 1, 2003; Laws 2008, Act 706, § 3, eff. July 1, 2008; Laws 2008, Act 718, § 3, eff. July 1, 2008; Laws 2011, Act 240, § 1, eff. July 1, 2011.

Formerly Code 1933, § 34-401.

Ga. Code Ann., § 21-2-70, GA ST § 21-2-70

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DEFENDANTS' EX. 7

§ 21-2-99. Instruction of poll officers and poll workers in election..., GA ST § 21-2-99

West's Code of Georgia Annotated

Title 21. Elections (Refs & Annos)

Chapter 2. Elections and Primaries Generally (Refs & Annos)

Article 2. Supervisory Boards and Officers

Part 4. Poll Officers (Refs & Annos)

Ga. Code Ann., § 21-2-99

§ 21-2-99. Instruction of poll officers and poll workers in election procedures; certifications; unqualified poll officers and poll workers not to serve

Currentness

(a) The election superintendent shall provide adequate training to all poll officers and poll workers regarding the use of voting equipment, voting procedures, all aspects of state and federal law applicable to conducting elections, and the poll officers' or poll workers' duties in connection therewith prior to each general primary and general election and each special primary and special election; provided, however, such training shall not be required for a special election held between the date of the general primary and the general election. Upon successful completion of such instruction, the superintendent shall give to each poll officer and poll worker a certificate to the effect that such person has been found qualified to conduct such primary or election with the particular type of voting equipment in use in that jurisdiction. Additionally, the superintendent shall notify the Secretary of State on forms to be provided by the Secretary of State of the date when such instruction was held and the number of persons attending and completing such instruction. For the purpose of giving such instructions, the superintendent shall call such meeting or meetings of poll officers and poll workers as shall be necessary. Each poll officer shall, upon notice, attend such meeting or meetings called for his or her instruction.

(b) No poll officer or poll worker shall serve at any primary or election unless he or she shall have received instructions, as described in subsection (a) of this Code section; shall have been found qualified to perform his or her duties in connection with the type of voting equipment to be used in that jurisdiction; and shall have received a certificate to that effect from the superintendent; provided, however, that this shall not prevent the appointment of a poll officer or poll worker to fill a vacancy arising on the day of a primary or election or on the preceding day.

Credits

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1983, p. 140, § 1; Laws 1998, p. 295, § 1; Laws 2001, p. 240, § 4; Laws 2002, p. 437, § 1; Laws 2005, Act 53, § 10, eff. July 1, 2005.

Formerly Code 1933, § 34-509.

Ga. Code Ann., § 21-2-99, GA ST § 21-2-99

The statutes and Constitution are current through Laws 2020, Act 322. Some statute sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.



§ 21-2-99. Instruction of poll officers and poll workers in election..., GA ST § 21-2-99

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DEFENDANTS' EX. 8

7.15. Municipal clerks, WI ST 7.15

KeyCite Red Flag - Severe Negative Treatment
 Enacted Legislation Amended by 2017-2018 Wisc. Legis. Serv. Act 369 (2017 S.B. 884) (WEST),
 KeyCite Yellow Flag - Negative Treatment Unconstitutional or Preempted
 KeyCite Yellow Flag - Negative Treatment Proposed Legislation

West's Wisconsin Statutes Annotated

Elections (Ch. 5 to 12)

Chapter 7. Election Officials; Boards; Selection and Duties; Canvassing (Refs & Annos)

Subchapter I. Selection and Duties

W.S.A. 7.15

7.15. Municipal clerks

Effective: December 16, 2018

Currentness

(1) Supervise registration and elections. Each municipal clerk has charge and supervision of elections and registration in the municipality. The clerk shall perform the following duties and any others which may be necessary to properly conduct elections or registration:

(a) Equip polling places.

(b) Provide for the purchase and maintenance of election equipment.

(c) Prepare ballots for municipal elections, and distribute ballots and provide other supplies for conducting all elections. The municipal clerk shall deliver the ballots to the polling places before the polls open.

(cm) Prepare official absentee ballots for delivery to electors requesting them, and except as provided in this paragraph, send an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector, as defined in s. 6.34(1), and overseas elector who has requested a ballot by mail, electronic mail, or facsimile transmission, no later than the 47th day before each partisan primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall send or transmit an official absentee ballot within one business day of the time the elector's request for such a ballot is received. The clerk shall send or transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47th day before the presidential preference primary if the request is made before that day, or, if the request is not made before that day, within one business day of the time the request is received. For purposes of this paragraph, "business day" means any day from Monday to Friday, not including a legal holiday under s. 995.20.



7.15. Municipal clerks, WI ST 7.15

(d) Prepare the necessary notices and publications in connection with the conduct of elections or registrations.

(e) Train election officials in their duties, calling them together whenever advisable, advise them of changes in laws, rules and procedures affecting the performance of their duties, and administer examinations as authorized under s. 7.30(2)(c). The training shall conform with the requirements prescribed in rules promulgated by the commission under ss. 7.31 and 7.315. The clerk shall assure that officials who serve at polling places where an electronic voting system is used are familiar with the system and competent to instruct electors in its proper use. The clerk shall inspect systematically and thoroughly the conduct of elections in the municipality so that elections are honestly, efficiently and uniformly conducted.

(f) Discharge election officials for improper conduct or willful neglect of duties.

(g) In the manner prescribed by the commission, report suspected election frauds, irregularities, or violations of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the commission. The commission shall annually report the information obtained under this paragraph to the legislature under s. 13.172(2).

(h) Review, examine and certify the sufficiency and validity of petitions and nomination papers.

(i) Direct how and when to destroy the contents of the blank ballot boxes and unused election materials.

(j) Send an absentee ballot automatically to each elector and send or transmit an absentee ballot to each military elector, as defined in s. 6.34(1), and each overseas elector making an authorized request therefor in accordance with s. 6.22(4), 6.24(4), or 6.86(2) or (2m).

(k) Reassign inspectors appointed to serve at one polling place to another polling place within the municipality whenever necessary to assure adequate staffing at all polling places. No such reassignment may have the effect of eliminating representation at a polling place by one of the political parties entitled to nominate inspectors under s. 7.30(2)(a).

(1m) Attend training. Each municipal clerk shall, at least once every 2 years during the period beginning on January 1 of each even-numbered year and ending on December 31 of the following year, attend a training program sponsored by the commission under ss. 7.31 and 7.315.

(2) Municipal election duties. (a) In municipal elections, the municipal clerks shall perform the duties prescribed for county clerks by s. 7.10.

(b) Cities over 500,000 population may prepare their own official and sample ballots. Official ballots not utilized as absentee

7.15. Municipal clerks, WI ST 7.15

ballots shall be printed so they are ready at least 2 days before the election.

(c) With the consent of the county clerk, municipalities may prepare their own ballots whenever voting machines or electronic voting systems are used in elections where candidates for both local offices and national, state or county offices appear on the ballot. This paragraph does not apply to cities under par. (b).

(d) Whenever the governing body of any municipality submits any question to a vote of the electors or whenever a proper recall petition and certificate are filed under s. 9.10, the municipal clerk shall issue a call for the election and prepare and distribute ballots as required in the authorization of submission or as provided in s. 9.10. The date of the referendum shall be fixed by the municipal clerk or board of election commissioners unless otherwise provided by law or unless the governing body fixes a date. The ballot for any referendum shall conform to s. 5.64(2). If there is already an official municipal referendum ballot for the election, the question may appear on the same ballot.

(2m) Operation of alternate absentee ballot site. In a municipality in which the governing body has elected to establish an alternate absentee ballot site under s. 6.855, the municipal clerk shall operate such site as though it were his or her office for absentee ballot purposes and shall ensure that such site is adequately staffed.

(3) Ballot supply; sample ballots. (a) Where voting machines are used or where electronic voting systems are employed, the municipal clerk shall provide at least 2 duplicate sample ballots for each ward in diagram form showing the board or screen inside each voting machine or the front of each ballot as it will appear in the voting machines or booths on election day.

(b) Sample ballots and voting machine ballots shall be furnished to the officials in the ward or election district at least one day before each election.

(4) Recording electors. Except as authorized in s. 6.33(5)(a), within 30 days after each election, the municipal clerk shall enter on the registration list under the name of each elector of the municipality who has voted at the election an indication of the date of the election in which the elector voted.

(5) Record of ballots received. Each municipal clerk shall keep a record of when and in what condition the packages containing the ballots were received from the county clerk. The municipal clerk shall deliver to the proper officials the unopened packages of ballots the day before the election.

(6) Substitute ballots. (a) The municipal clerk shall provide substitute paper ballots in substantially the form of the original ballots whenever the necessary original ballots are not delivered to the municipality, are destroyed, are lost or stolen after delivery, are not ready for distribution or the supply is exhausted during polling hours. The municipal clerk may also provide substitute paper ballots, together with ballot boxes and voting booths, whenever a voting machine or electronic voting system is rendered inoperable by a malfunction which occurs within 24 hours of the time set for opening of the polls. Paper ballots may be cast only in accordance with the procedures prescribed in ss. 6.80(2) and 7.37(4).

7.15. Municipal clerks, WI ST 7.15

(b) Upon receiving the substitute paper ballots accompanied by a statement made under oath by the municipal clerk that the ballots have been prepared and furnished by the clerk to replace the original ballots which are not available, or to substitute for a voting machine or electronic voting system which has been rendered inoperable by a malfunction which occurred within 72 hours of the time set for opening of the polls, the election officials shall use the substitute ballots in the same manner as if they had been original ballots.

(7) **Request canvass assistance.** The municipal clerk may request all election officials to assist the inspectors in canvassing the votes received at the respective polling places.

(8) **Resolving notice doubts.** When in doubt as to compliance with the statutory requirements for election notices or the correct fees to be paid for them, the municipal clerk may consult the commission.

(9) **Voter education.** Each municipal clerk shall assist the commission in conducting educational programs under s. 5.05(12) to inform electors about the voting process.

(10) **Free election information exchange.** Each municipal clerk shall assist the commission in maintaining toll-free telephone lines and any other free access systems under s. 5.05(13) for exchange of voting information.

(11) **Training of election officials.** Each municipal clerk shall train election officials under ss. 7.31 and 7.315.

(12) **Free vote counting information.** Each municipal clerk shall maintain a free access information system under which an elector who votes under s. 6.96 or 6.97 may ascertain current information concerning whether the elector's vote has been counted, and if the vote will not be counted, the reason that it will not be counted.

(13) **Information to commission.** Each municipal clerk shall provide to the commission any information requested under s. 5.05(14).

(14) **Voting accommodations for individuals with disabilities.** Each municipal clerk shall make reasonable efforts to comply with requests for voting accommodations made by individuals with disabilities whenever feasible.

(15) **Provide notice of outstanding provisional ballots.** As soon as possible after the closing hour for all polling places in the municipality on election night, the municipal clerk shall post at his or her office and on the Internet at a site announced by the clerk before the polls open, and shall make available to any person upon request, a statement of the number of electors who have cast provisional ballots at the election in the municipality that cannot be counted as of that closing hour because the electors have not satisfied relevant voting requirements.

7.15. Municipal clerks, WI ST 7.15

Credits

<<For credits, see Historical Note field.>>

W. S. A. 7.15, WI ST 7.15

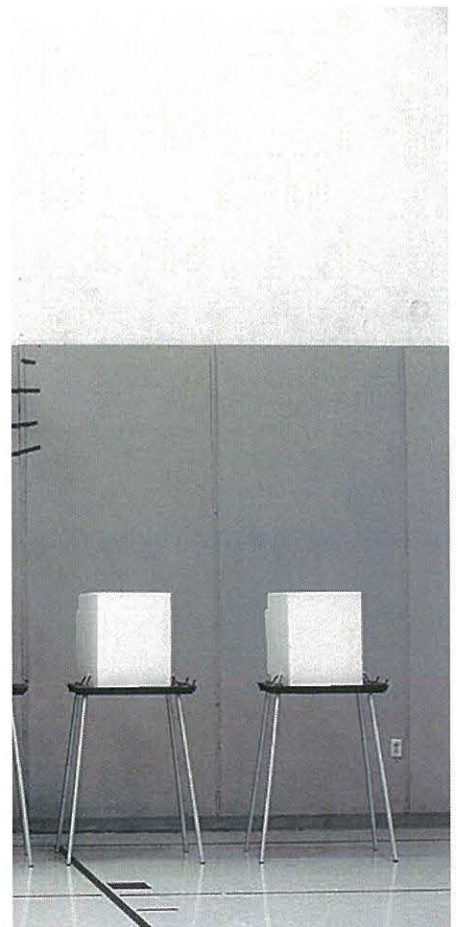
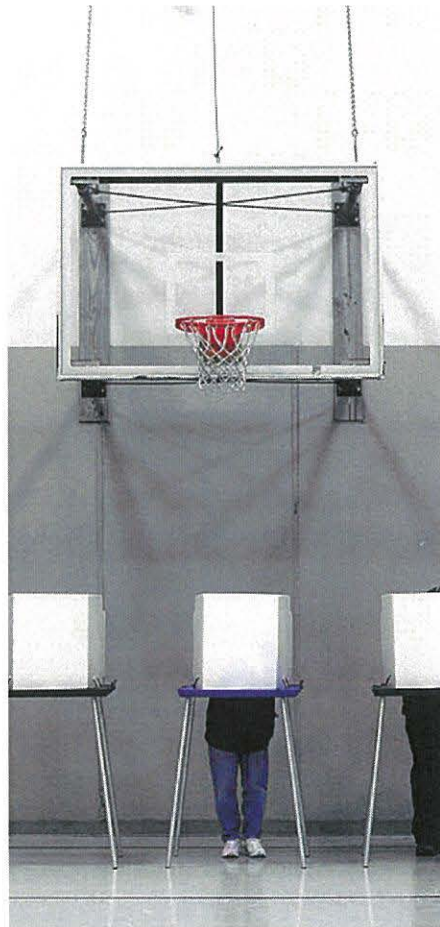
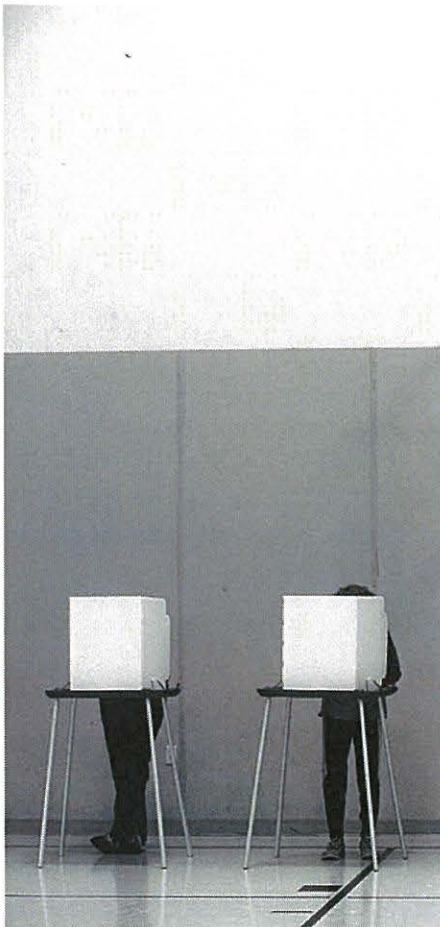
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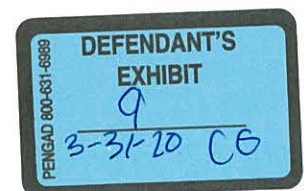
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DEFENDANTS' EX. 9

THE POLL WORKER → MANUAL ←



2018 Edition



Preface

This State of **Georgia Poll Worker Manual** is to be used as a guide for the administration of elections conducted by county election officials for poll workers.

This manual is not intended to be used as a substitute for the Georgia Constitution, relevant statutes, applicable case law, or rules of the State Election Board. Prior to your assigned duties, be sure to collect county contact information, county information for board members (if applicable), polling place information, a county map, a supply list, and any other information provided by your county.

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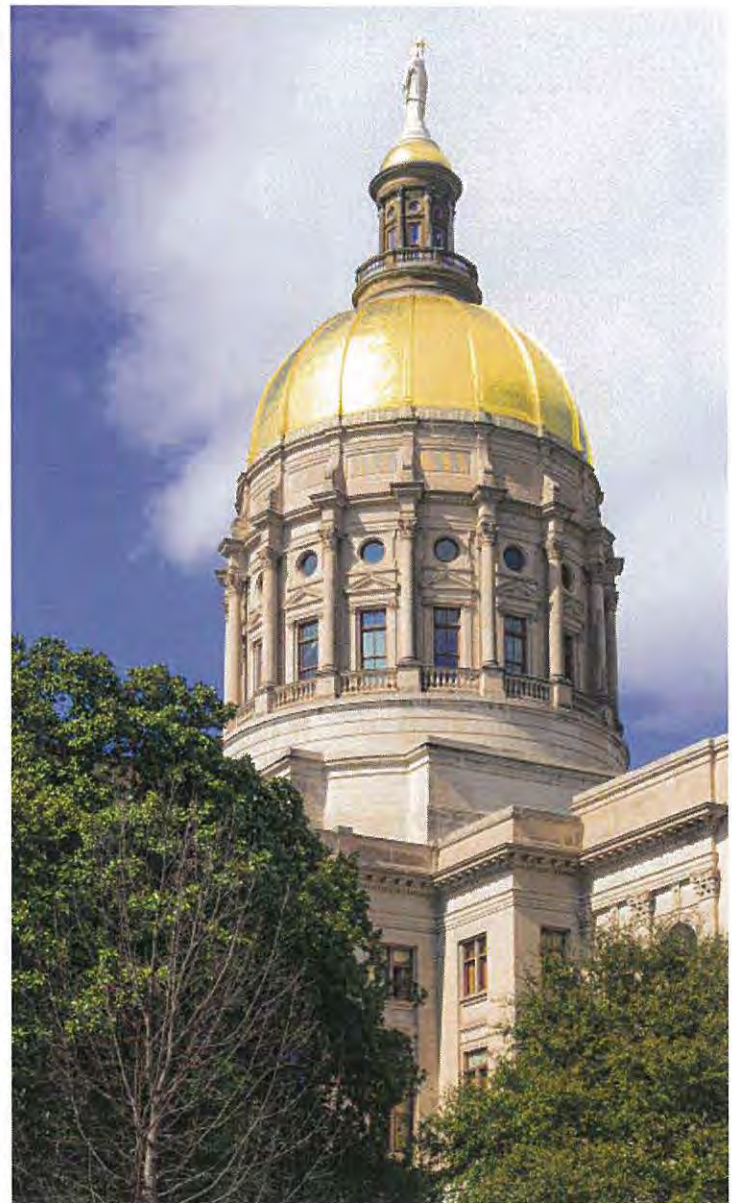
General Info

Qualifications, Conduct, and Training in the Code

O.C.G.A. § 21-2-92(a)

Poll officers appointed pursuant to Code Sections O.C.G.A. 21-2-90 and O.C.G.A. 21-2-91 **shall** be judicious, intelligent, and upright citizens of the United States, residents of or otherwise employed by the county in which they are appointed or, in the case of municipal elections, residents of or otherwise employed by the municipality in which the

election is to be held or of the county in which that municipality is located, 16 years of age or over, and **shall** be able to read, write, and speak the English language. No poll officer **shall** be eligible for any nomination for public office or to be voted for at a primary or election at which the poll officer **shall** serve. No person who is otherwise holding public office, other than a political party office, **shall** be eligible to be appointed as or to serve as a poll officer. A parent, spouse, child, brother, sister, fa-



ther-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law of a candidate **shall not** be eligible to serve as a poll officer in any precinct in which such candidate's name appears on the ballot in any primary or election.

O.C.G.A. § 21-2-99(a)

The election superintendent shall provide adequate training to all poll officers and poll workers regarding the use of voting equipment, voting procedures, all aspects of state and federal law applicable to conducting elections, and the poll officers' or poll workers' duties in connection therewith prior to each general primary and general election and each special primary and

special election; provided, however, such training **shall not** be required for a special election held between the date of the general primary and the general election. Upon successful completion of such instruction, the superintendent **shall** give to each poll officer and poll worker a certificate to the effect that such person has been found qualified to conduct such primary or election with the particular type of voting equipment in use in that jurisdiction. Additionally, the superintendent **shall** notify the Secretary of State on forms to be provided by the Secretary of State of the date when such instruction was held and the number of persons attending and completing such instruction. For the purpose of giving such instructions, the superintendent **shall** call such meeting or meetings of poll officers and poll workers as **shall** be necessary. Each poll officer shall, upon notice, attend such meeting or meetings called for his or her instruction.

O.C.G.A. § 21-2-99(b)

No poll officer or poll worker shall serve at any primary or election unless he or she **shall** have received instructions, as described in subsection (a) of this Code section; **shall** have been found qualified to perform his or her duties in connection with the type of voting equipment to be used in that jurisdiction; and **shall** have received a certificate to that effect from the superintendent; provided, however, that this **shall** not prevent the appointment of a poll officer or poll worker to fill a vacancy arising on the day of a primary or election or on the preceding day.

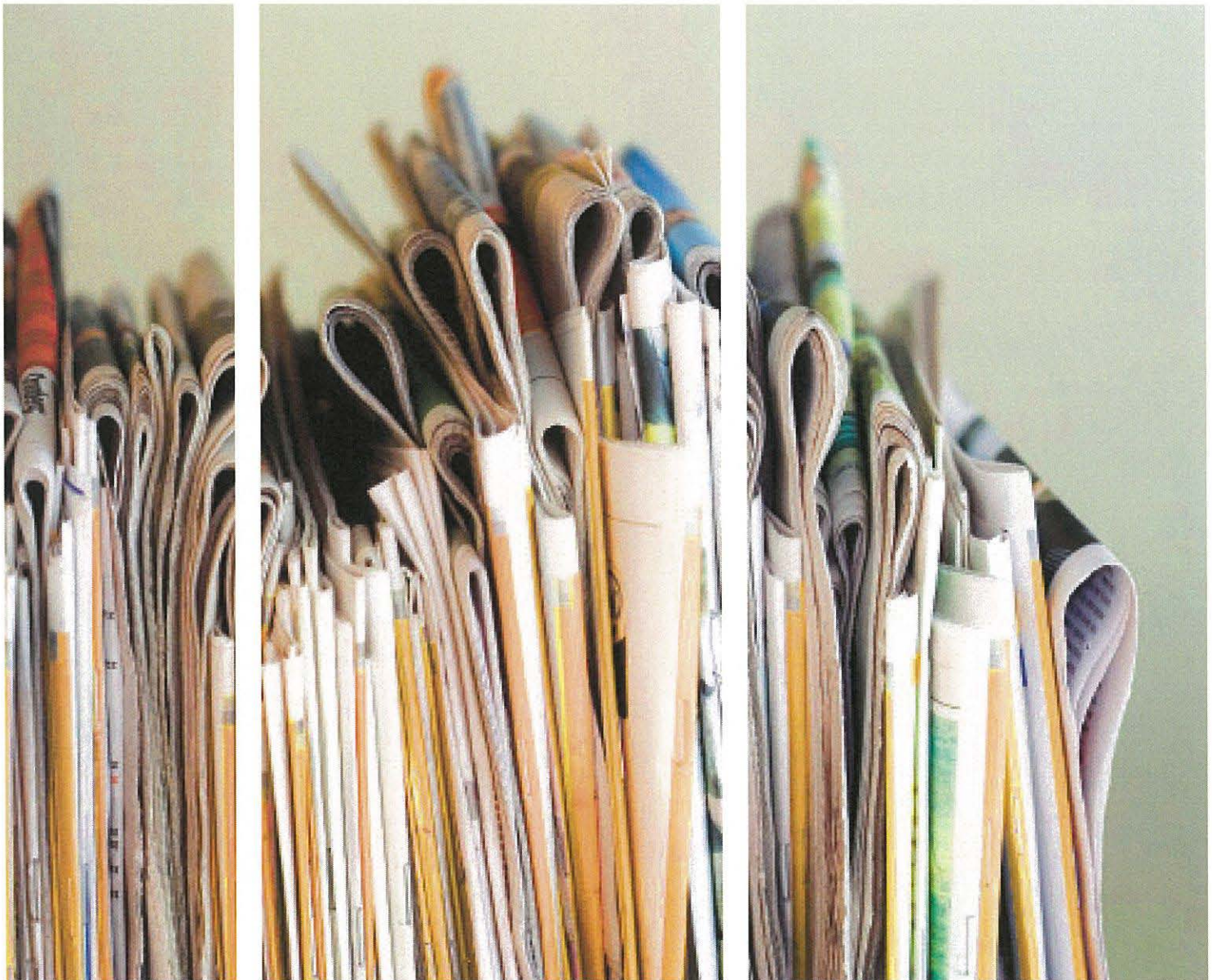


Polling Place



Before the polls open, your polling place must have the signs and supplies included in this section.

All signs and supplies may be ordered online in the Georgia Elections Supply Store. The Store is for Georgia Election Officials only. It is password protected.



Polling Place

Polling Place Preparation in the Code

O.C.G.A. § 21-2-267(a)

The governing authority of each county and municipality shall provide and the superintendent shall cause all rooms used as polling places to be provided with suitable heat and light and, in precincts in which ballots are used, with a sufficient number of voting compartments or booths with proper supplies in which the electors may conveniently mark their ballots, with a curtain,

screen, or door in the upper part of the front of each compartment or booth so that in the marking thereof they may be screened from the observation of others. A curtain, screen, or door shall not be required, however, for the self-contained units used as voting booths in which Direct Recording Electronic (DRE) voting units are located if such booths have been designed so as to ensure the privacy of the elector. When practicable, every polling place shall consist of a single room, every



part of which is within the unobstructed view of those present therein and shall be furnished with a guardrail or barrier closing the inner portion of such room, which guardrail or barrier shall be so constructed and placed that only such persons as are inside such rail or barrier can approach within six feet of the ballot box and voting compartments, or booths, or voting machines, as the case may be. The ballot box and voting compartments or booths shall be so arranged in the voting room within the enclosed space as to be in full view of those persons in the room outside the guardrail or barrier. The voting machine or machines shall be placed in the voting rooms within the enclosed space so that, unless its construction shall otherwise require, the ballot labels on the face of the machine can be plainly seen by the poll officers

when the machine is not occupied by an elector. In the case of direct recording electronic (DRE) voting units, the units shall be arranged in such a manner as to ensure the privacy of the elector while voting on such units, to allow monitoring of the units by the poll officers while the polls are open, and to permit the public to observe the voting without affecting the privacy of the electors as they vote.

O.C.G.A. § § 21-2-328 and 21-2-375

At least one hour prior to the time set to open the polls, the voting machines and supplies will be delivered to the polling places in each precinct. The machines will be set up in the proper manner, signs, sample ballots and other instructions will be posted, and other supplies will be distributed.

O.C.G.A. § 21-2-379.7

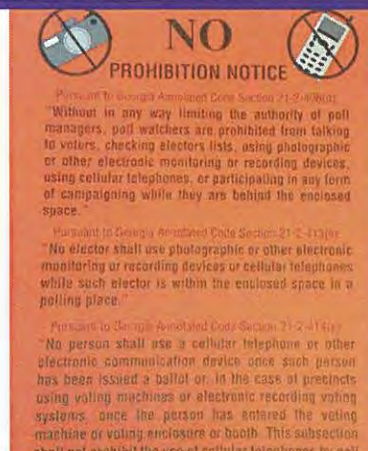
Prior to opening the polls, the manager will break the seal on each voting unit, turn on each unit, certify that each unit is operating properly and is set to zero, and print a zero tape certifying that each unit is set to zero. The manager shall keep or record this zero certification on each unit. At least one voting machine will be accessible to disabled electors at each precinct.



These images may not represent the actual notices or signs. As supplies and signs are updated, their appearances may change. These are just examples.

[illegible]

Sample Ballot (2)



Prohibition Notice

FOR YOUR
CONVENIENCE,
THE BALLOT CAN
BE VIEWED IN
LARGER PRINT.

PLEASE SEE POLL
OFFICIAL FOR
ASSISTANCE.

Magnified Ballot Request

NOTICE

ABSENTEE VOTING PERIOD

ELECTORS WHO ARE 75 YEARS OF AGE OR OLDER OR WHO ARE DISABLED AND REQUIRE ASSISTANCE IN CASTING AN ABSENTEE BALLOT IN PERSON, SHALL, UPON REQUEST TO A DESIGNATED OFFICE EMPLOYEE OR OTHER INDIVIDUAL, VOTE IMMEDIATELY AT THE NEXT AVAILABLE VOTING COMPARTMENT OR BOOTH WITHOUT WAITING IN LINE.

ELECTION DAY

BETWEEN THE HOURS OF 9:30 A.M. AND 4:30 P.M., ELECTORS WHO ARE 75 YEARS OF AGE OR OLDER OR WHO ARE DISABLED AND REQUIRE ASSISTANCE IN VOTING, SHALL, UPON REQUEST TO THE POLL OFFICERS, BE ALLOWED TO VOTE IMMEDIATELY AT THE NEXT AVAILABLE VOTING COMPARTMENT OR BOOTH WITHOUT WAITING IN LINE.

O.C.G.A. §§21-2-385, 21-2-408, 1

Electors 75 Years & Older (2)



Vote Here Sign

NO CAMPAIGNING
(INCLUDING BY ANYONE
WITHIN 150 FEET OF THE
OUTER EDGE OF ANY
BUILDING WITHIN WHICH
A POLLING PLACE IS
ESTABLISHED)

No Campaigning Sign (2)

Polling Place

Signs at the Polling Place



Polling Place

Forms for the Polling Place

PRIMARYS AND ELECTIONS

Write copy to be filed with Superintendent.
Place copy to be filed with Clerk of Superior Court (County elections) or City Clerk (Municipal elections).

(Municipality - if applicable) _____ COUNTY, GEORGIA
PRECINCT _____

All Managers and clerks shall, before entering upon their duties at any primary or election, be duly sworn in the presence of each other.

(1) The chief manager shall first be sworn by an assistant manager.
(2) The assistant manager and clerks shall then be sworn by the chief manager.
Each of them shall immediately sign in duplicate the oath taken by him or her upon forms to be furnished by the superintendent, and the same shall be attested by the officer who administered the oath.

OATH OF MANAGERS

We, the undersigned deponents, individually and jointly, do swear (or affirm) that we will as manager or assistant managers duly attend the ensuing election (or primary) to be held on _____ day of _____, 20____, during the aforesaid election (or primary), that we will not admit any person to vote, except that we fully believe said person to be registered and entitled to vote at such election (or primary), according to the laws of this state, that we will not intentionally delay or refuse to permit any person to vote whom we believe to be entitled to vote as aforesaid, that we will use our best endeavors to prevent any fraud, deceit or abuse in carrying on the same, that we will make a true and correct return of the said election (or primary), and that we will at all times truly, impartially and lawfully perform our duties therein to the best of our judgment and ability, and that we are not disqualified by law to hold the position of past manager or assistant manager.

(1) Administratively sworn to and subscribed before me this _____ day of _____, 20____.

Chief Manager _____ Assistant Manager _____

(2) Administratively sworn to and subscribed before me this _____ day of _____, 20____.

Chief Manager _____ Assistant Manager _____

Oath of Manager

PRIMARYS AND ELECTIONS

Write copy to be filed with Superintendent.
Place copy to be filed with Clerk of Superior Court (County elections) or City Clerk (Municipal elections).

(Municipality - if applicable) _____ COUNTY, GEORGIA
PRECINCT _____

All Managers and clerks shall, before entering upon their duties at any primary or election, be duly sworn in the presence of each other.

(1) The chief manager shall first be sworn by an assistant manager.
(2) The assistant manager and clerks shall then be sworn by the chief manager.
Each of them shall immediately sign in duplicate the oath taken by him or her upon forms to be furnished by the superintendent, and the same shall be attested by the officer who administered the oath.

OATH OF ASSISTANT MANAGER

We, the undersigned deponents, individually and jointly, do swear (or affirm) that we will as manager or assistant managers duly attend the ensuing election (or primary) to be held on _____ day of _____, 20____, during the aforesaid election (or primary), that we will not admit any person to vote, except that we fully believe said person to be registered and entitled to vote at such election (or primary), according to the laws of this state, that we will not intentionally delay or refuse to permit any person to vote whom we believe to be entitled to vote as aforesaid, that we will use our best endeavors to prevent any fraud, deceit or abuse in carrying on the same, that we will make a true and correct return of the said election (or primary), and that we will at all times truly, impartially and lawfully perform our duties therein to the best of our judgment and ability, and that we are not disqualified by law to hold the position of past manager or assistant manager.

(1) Administratively sworn to and subscribed before me this _____ day of _____, 20____.

Chief Manager _____ Assistant Manager _____

(2) Administratively sworn to and subscribed before me this _____ day of _____, 20____.

Chief Manager _____ Assistant Manager _____

Oath of Assistant Manager

PRIMARYS AND ELECTIONS

Write copy to be filed with Superintendent.
Place copy to be filed with Clerk of Superior Court (County elections) or City Clerk (Municipal elections).

(Municipality - if applicable) _____ COUNTY, GEORGIA
PRECINCT _____

OATH OF CLERKS

I, each of the undersigned deponents, individually and jointly, do swear (or affirm) that I will as clerk attend the ensuing election (or primary) to be held on _____ day of _____, 20____, during the aforesaid election (or primary), that I will use my best endeavors to prevent any fraud, deceit or abuse in carrying on the same, and that I will at all times truly, impartially and lawfully perform my duties therein to the best of my judgment and ability, and that I am not disqualified by law to hold the position of past clerk.

Chief Manager _____ Clerk _____

Assistant Manager _____ Clerk _____

Chief Manager _____ Clerk _____

Assistant Manager _____ Clerk _____

The chief manager shall file by sworn by an assistant manager and the assistant managers and clerks shall file by sworn by the chief manager.

(Required by Ga. Election Code, Sec. 21-6-93, 21-6-94, and 21-6-95.)

Oath of Clerks

VOTER'S CERTIFICATE

COUNTY OR MUNICIPALITY, STATE OF GEORGIA _____

I hereby certify that I am qualified to vote in the election held on _____ day of _____, 20____, and that I have not and will not receive assistance in this matter, or by any other means, and that I am a citizen of the United States and am not currently serving a sentence for a felony conviction.

I understand that making a false statement on this Certificate is a felony under O.C.G.A. § 21-6-92.

For Election Name _____ Precinct _____

County Residence Address of Voter _____ (If voter is out of state, current mailing address) R.F.D., Street or Road, P.O. Box _____

Signature _____ City, State, Zip _____

Secretary Date of Birth _____

Name or address of past officer receiving voter's certificate _____ (Poll Officer Use)

Serial Number (Please Submit Only) _____

Mailing Machine Address Number (Electoral Only) _____

IN CASE OF PHYSICAL DISABILITY OR ILLITERACY, FILL OUT THE FOLLOWING:

Reason for disability: (1) (Elector is unable to read the English language) _____

(2) (Elector suffers assistance due to physical disability) _____

Signature of past officer receiving this election _____

TYPE OF IDENTIFICATION PROVIDED:

(1) Georgia driver's license _____

(2) Valid ID card issued by any state or U.S. with photo _____

(3) Valid U.S. Passport _____

(4) Valid Government employee photo ID _____

(5) Valid U.S. military ID card with photo _____

(6) Valid Voter ID card with photo _____

Four other registered by mail only (VOC) may provide one of the following:

(7) Georgia Driver's License _____

(8) Current Voting ID _____

(9) Current Bank Statement _____

(10) Government check or paycheck _____

(11) Valid Out-of-State driver's license _____

NOTE: See reverse side of form for location of person receiving election.

Voter Certificates

CONTENTS

ONE BINDER AND FASTENER FOR FILING VOTERS CERTIFICATE

VOTER'S CERTIFICATES

County, Georgia _____

Precinct _____

Election (if Primary, Designate Political Party) _____

20____

Voter Certificate Binders

STATE OF GEORGIA APPLICATION FOR VOTER REGISTRATION

1. **LEGAL NAME** Your full legal name including all suffixes (e.g., Jr., Sr., II) is required on this form.

2. **DATE OF BIRTH** Your date of birth must be entered in full (month, day, year).

3. **PERSONAL IDENTIFICATION** A voter must be qualified to register and must be a citizen of the United States, at least 18 years of age, and a resident of the State of Georgia for at least 60 days prior to the election. If you are a Georgia resident, you must provide a valid Georgia driver's license, a valid Georgia voter ID card, or a valid Georgia state ID card. If you are a non-Georgia resident, you must provide a valid driver's license or state ID card from your home state. If you are a non-Georgia resident, you must also provide a valid Georgia voter ID card.

4. **NAME-ADDRESS CHANGE** Complete this section to change the name or address of your voter registration.

5. **UNRECORDED** If you have an unrecorded name and address, please provide a list of your previous names and addresses.

6. **DECLARATION** I declare that the information provided on this form is true and correct. I understand that making a false statement on this form is a felony under O.C.G.A. § 21-6-92.

7. **SIGNATURE** Sign your name in the space provided.

8. **DATE** Enter the date you completed this form.

9. **WITNESS** Enter the name and address of a witness who is at least 18 years of age and is not a relative of yours.

10. **NOTARIZATION** This form must be notarized by a notary public or a justice of the peace.

11. **FEES** There is a fee of \$10.00 for this form. Payment may be made by cash, check, or money order.

12. **RECEIPT** A receipt will be provided to you upon completion of this form.

13. **CONTACT INFORMATION** Provide your contact information for the State of Georgia.

14. **ADDITIONAL INFORMATION** Provide any additional information you wish to include.

15. **STATE OF GEORGIA** This form is provided by the State of Georgia.

16. **NOTARIZATION** This form must be notarized by a notary public or a justice of the peace.

17. **FEES** There is a fee of \$10.00 for this form. Payment may be made by cash, check, or money order.

18. **RECEIPT** A receipt will be provided to you upon completion of this form.

19. **CONTACT INFORMATION** Provide your contact information for the State of Georgia.

20. **ADDITIONAL INFORMATION** Provide any additional information you wish to include.

Voter Registration Application

DRE Recap Sheet

ExpressPoll Recap Sheet

Provisional/Challenged Ballot Recap

Daily Absentee Recap Sheet

Numbered List of Voters

Voters with Disabilities Kit

This form is used for a provisional voter registration application. It includes sections for:

- PERSONAL INFORMATION:** Name, date of birth, sex, race, and address.
- REGISTRATION INFORMATION:** Whether the voter is a first-time voter, has previously registered, or is a returning voter.
- IDENTIFICATION:** Details about the voter's ID, including the type of ID and whether it is a Georgia Driver's License or State ID.
- SWORN STATEMENT:** A section where the voter swears to the truthfulness of the information provided.
- WARRANT:** A section where the voter provides information about any person who has provided false information in a previous registration attempt.

Provisional VR Application

This form is used for a provisional voter certificate. It includes sections for:

- IN ELECTIONS IN WHICH THERE ARE NO FEDERAL CANDIDATES ON THE BALLOT:** A section for voters who are not eligible to receive assistance in voting.
- IN ELECTIONS IN WHICH THERE IS A FEDERAL CANDIDATE ON THE BALLOT:** A section for voters who are eligible to receive assistance in voting.
- PROVISIONAL BALLOT VOTERS ONLY:** A section for voters who are eligible to receive assistance in voting.
- PROVISIONAL/CHALLENGED BALLOT VOTERS ONLY:** A section for voters who are eligible to receive assistance in voting.
- POLL OFFICER MUST MARK TYPE OF PROVISIONAL/CHALLENGED VOTER:** A section for the poll officer to mark the type of voter.

Provisional Voter Certificate

This form is the inner provisional ballot envelope. It is a simple, blank sheet of paper with the text "OFFICIAL PROVISIONAL BALLOT" printed in the center.

Inner Provisional Ballot Envelope

This form is the outer provisional ballot envelope. It includes sections for:

- The Poll officer must complete the following information before issuing the outer ballot envelope to the voter:**
- Type of Election:** A section for the poll officer to mark the type of election.
- Party if Primary or Primary Runoff:** A section for the poll officer to mark the party.
- Provisional Code:** A section for the poll officer to mark the provisional code.
- OFFICIAL PROVISIONAL BALLOT:** A section for the voter to write their name and address.

Outer Provisional Ballot Envelope

This form is the provisional numbered list of voters. It is a table with columns for:

- Name:** The name of the voter.
- Address:** The address of the voter.
- City:** The city of the voter.
- State:** The state of the voter.
- Zip:** The zip code of the voter.
- Age:** The age of the voter.
- Sex:** The sex of the voter.
- Race:** The race of the voter.
- Registration Status:** Whether the voter is a first-time voter, has previously registered, or is a returning voter.
- Identification:** Details about the voter's ID.

Provis. Numbered List of Voters

Polling Place

Polling Place Preparation on Election Day

6:00 a.m.

Poll Managers and
Assistant Managers Report to
Polling Place

Name

Badges

Provide a name badge for each Poll
Official. The badge must be worn at
all times.

Oaths

Before entering upon duties at
any primary or election, all poll
officers shall take and subscribe in
duplicate to the oaths required.

Assistant Manager swears in
Manager

Manager then swears in the two
assistant managers and the clerks

Oaths are signed and placed in the
proper envelope

Post Signs

Voting Instructions

Required
Identification

Voting Instructions

Voting Rights Poster

Card of Instructions

Notice of Penalties

Sample Ballots (2)

Prohibition Notice

Magnified Ballot Request

Electors 75 Years & Older

Vote Here

No Campaigning

Handicapped Parking

DRE Prep

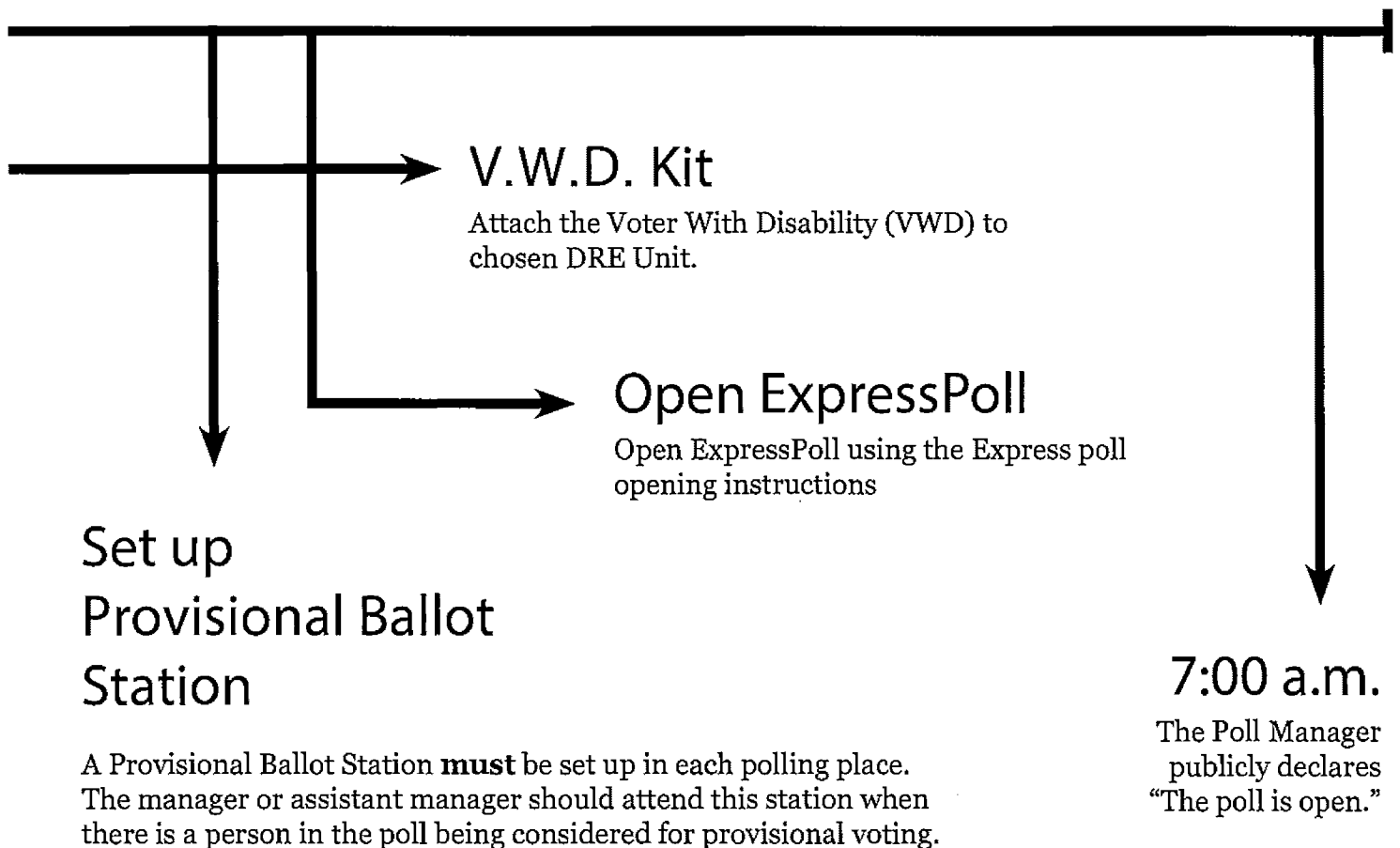
All duties must be performed in full view of the public. Potential voters may watch but are not allowed to enter the enclosed space or interfere when preparations for opening the polls are in progress.

At no time are the doors to the polling place to be locked so as to exclude any member of the public from viewing the pre-election preparation, conduct of the election, or the closeout procedures.

This should be done in assembly line style: while waiting for one Touchscreen unit to get to the proper screen or finish printing a report, go to the next Touchscreen unit and continue with the opening or closing procedure.

While conducting the opening procedures, do not remove side privacy panels.

- 1) One Poll Official reads the instructions
- 2) One Poll Official follows the instructions as read to them
- 3) One Poll Official records the necessary information on the Direct Record Electronic Voting Machine Recap Sheet



Polling Place

Opening Procedure for the Voting Unit

- 1** . Verify “Before Polls Open SEAL NUMBER” and “DRE UNIT NUMBER” on Direct Record Electronic Voting Machine Recap Sheet.
- 2** . Cut seal and open case. Do not remove side privacy panels.
- 3** . Using the key, unlock and remove the printer cover on the top right side and unlock the security door on the right side.
- 4** . Push the RED power button to turn the unit on.



The zero report will automatically begin to print.

DO NOT TEAR THE TAPE.

When the report is finished printing, verify that all counters on the report are at zero (0). Remember: the Manager and both assistants must sign ALL tapes. If the Count Number on the Touchscreen unit is not zero (0), call your local elections office immediately.

- 1** . Leaving the Zero Report attached, roll it up and replace and lock the printer cover. Close and lock the security door.
- 2** . On the “Need Another Copy” screen, press the “No” button.
- 3** . Remove side privacy panels from back cover and attach both sides to Touchscreen unit.
- 4** . Press and hold the BLACK button at the top of the screen to raise the screen.



DO NOT PULL THE SCREEN UP TO THE FULL UPRIGHT POSITION.

IF THE TOUCHSCREEN IS PULLED OUT OF THE SOCKET, REPOSITION BY USING YOUR THUMB TO DEPRESS THE TAB AND INSERT BACK INTO SLOT. PLACE TOUCHSCREEN AT DESIRED ANGLE.

Do Not Forget

Attach "Voting Instructions" poster to the inside of each Touchscreen unit and withdrawn candidate information, if applicable.

Electrical Cord Placements - Check to make sure that the power cord that goes from the booth to the Touch Screen unit located on the left side of the unit towards the back is firmly plugged in.

Attach the VWD (Voters With Disability) kit to one of your Touch Screen units. The plug-ins for the headphones and the keypad are located on the right side of the Touch Screen unit just in front of where the security door closes. This allows you to attach or remove the VWD kit without having to unlock and open the security door.

The VWD kit can be attached to any one of your Touch Screen units. All units are capable of displaying the audio and/or magnified ballot.

1. Plug in the headphone set to the headphone jack labeled "AUDIO", and then plug the keypad into the serial jack (5 prong on top, 4 on bottom) labeled "KEY-PAD".
2. Place the keypad on the unit behind the screen until needed.

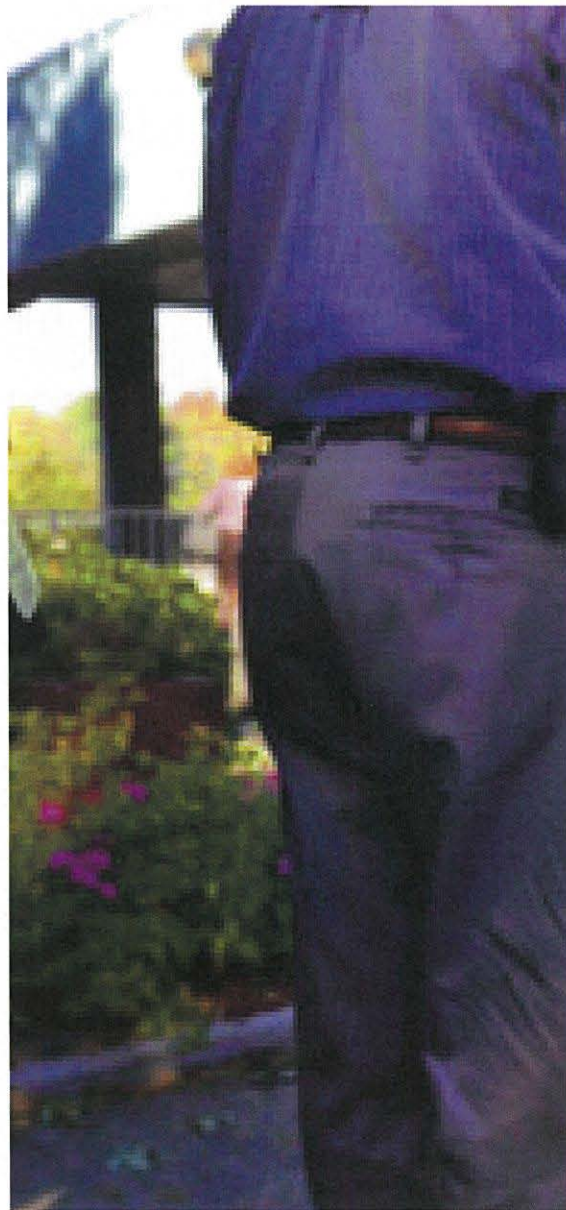


This unit can be used by any voter on Election Day when not in use by a disabled voter.

The instructions outlined on these pages reference the R6 DRE unit. If you are using a different machine, the procedures remain the same. However, the location of the physical components are different.

Election day

Although there is no such thing as a typical election day, this section reviews what happens when everything goes as planned.



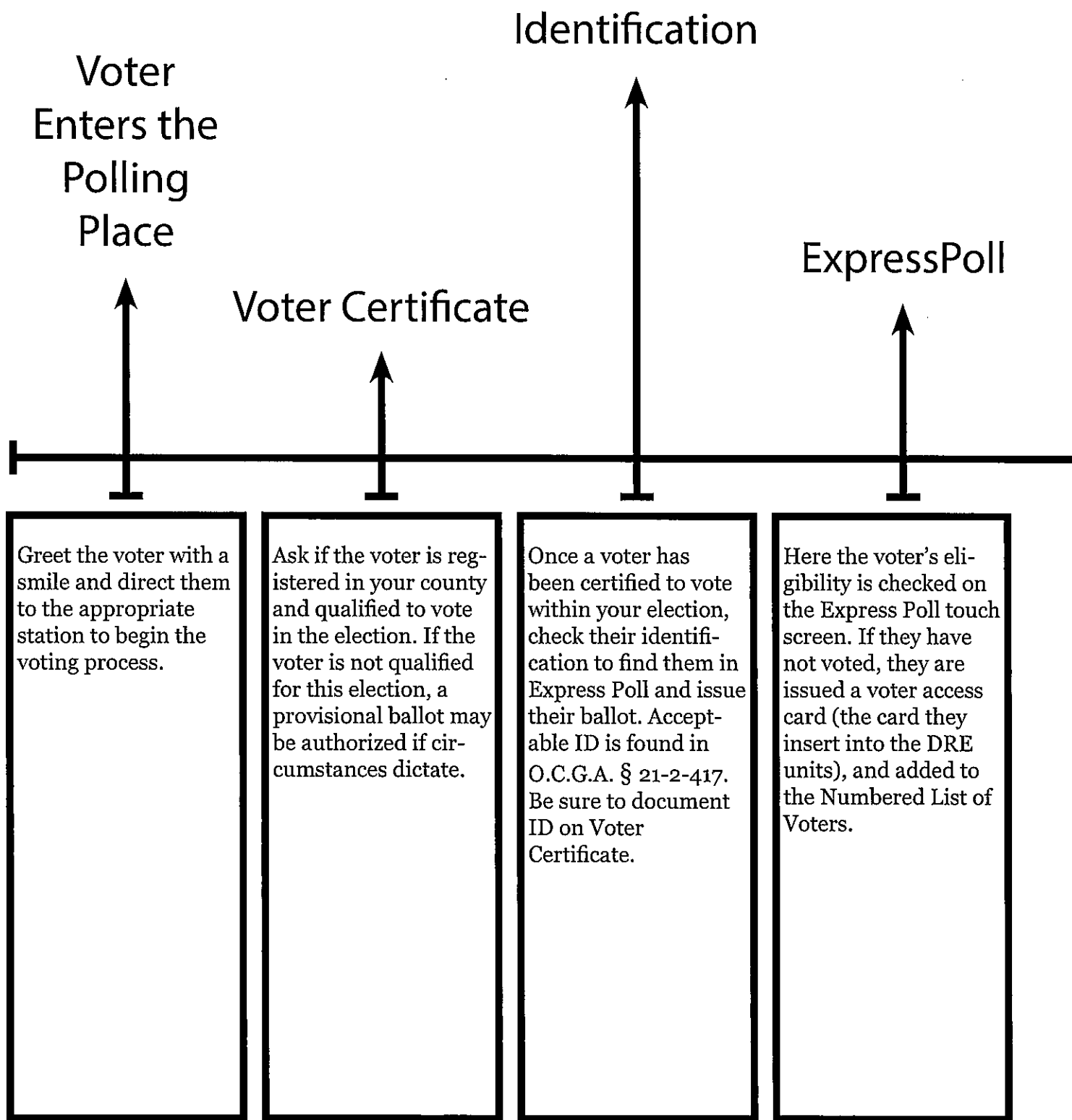
The flow chart on the following page details the different stations a voter visits in a polling place.

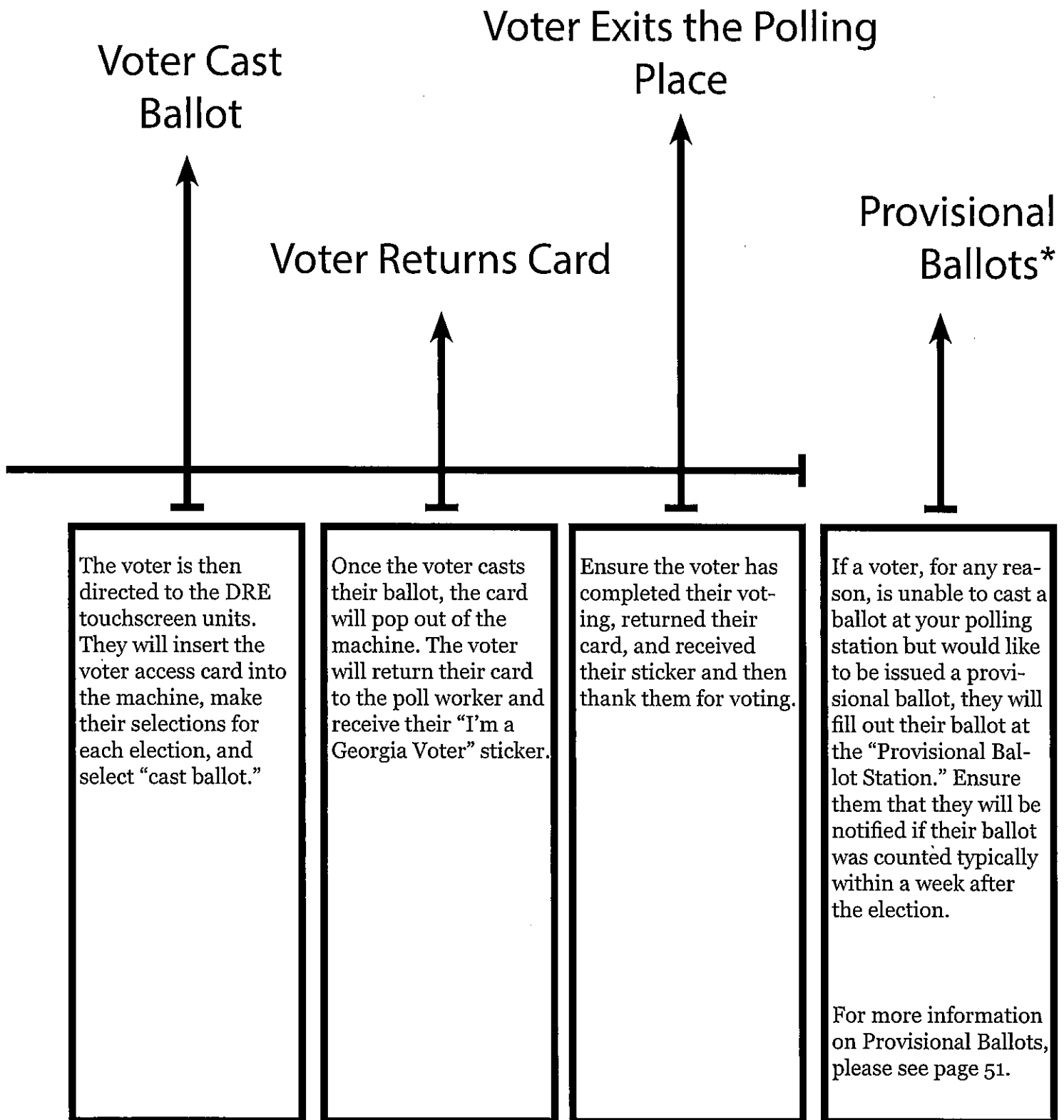
If assigned to a particular station, know your role and make the poll manager aware of any questions or concerns you may have before the polls open.



Election day

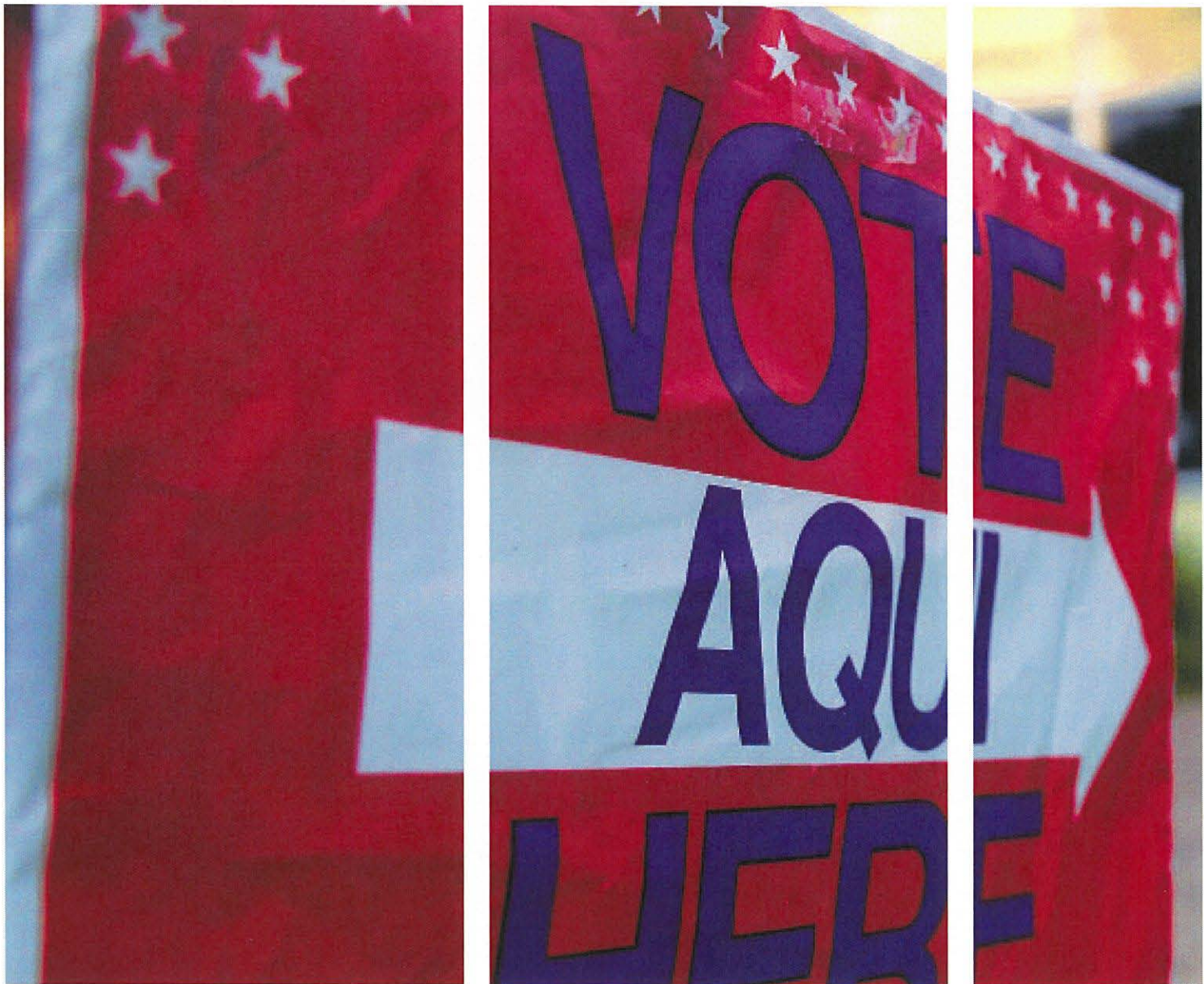
Voter Flow Chart





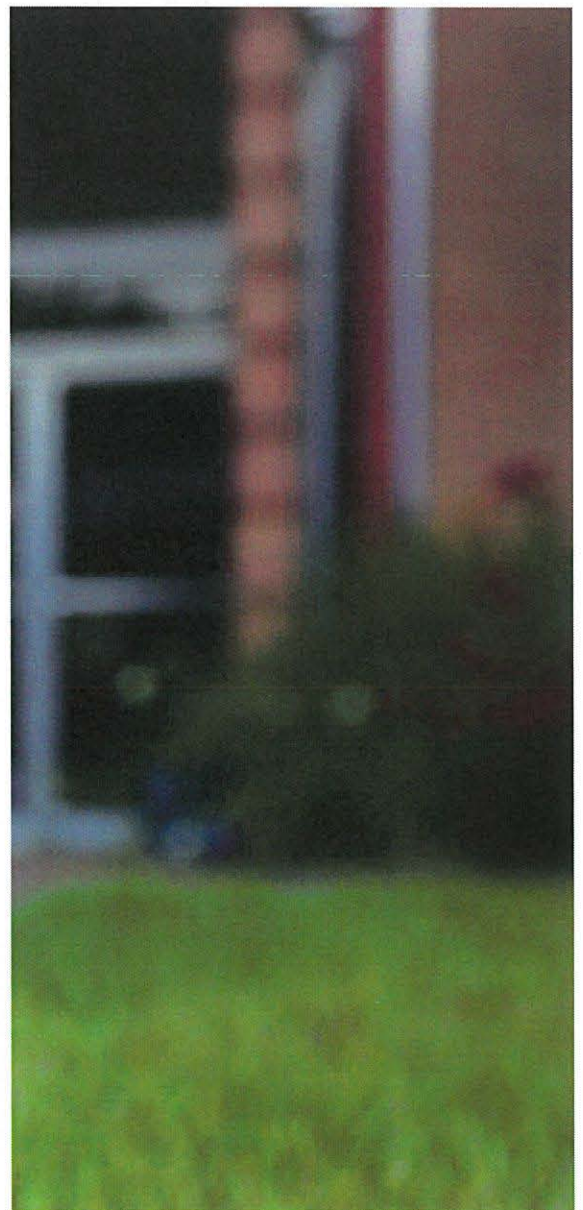
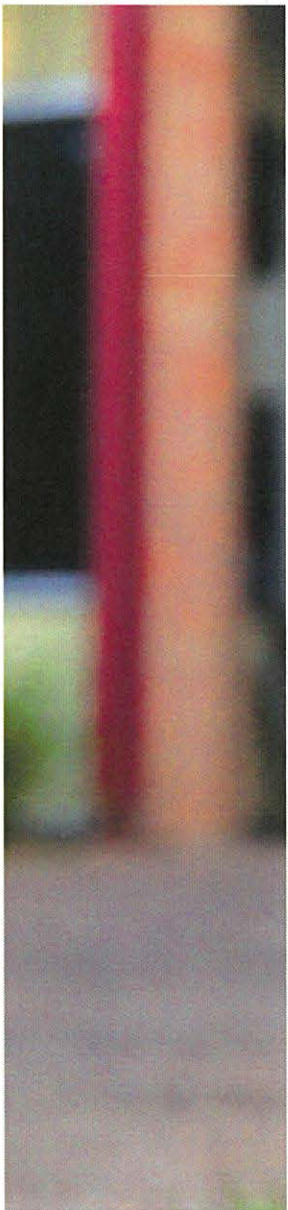
Entrance

Poll workers must be aware of a few important things whenever voters begin entering the polling place.



- How should voters with disabilities be accommodated?
- What happens if a voter is wearing campaign material?
- Can someone take a picture of their ballot?
- What are Poll Watchers?

These and other questions are addressed in the following section.



Entrance

Voters Enter the Polling Place

Accommodating Voters with Disabilities

Signs are vital. Directional signs should designate accessible parking spaces and be visible, especially those designating handicapped parking spaces, as well as the nearest accessible entrance if it is not the main door.

If the polling place does not have a permanent handicapped parking space, designate a handicapped parking space by placement of a temporary “Handicapped Parking Sign”. Make sure there is wheelchair access to the building, the polling place, and the voting booth.

Always be courteous and respectful. Be considerate of extra time it may take for a person who is disabled or elderly to complete the voting process, and give unhurried attention to a person who has difficulty speaking.

Always speak directly to the voter, and not to a companion, aide, or sign language interpreter. Animals that assist people with disabilities should

be admitted into all buildings. DO NOT pet or distract these Assistance Animals, as they are working animals, not pets.

If you observe a voter with a disability who needs assistance, ASK “May I help you in any way?” before rendering assistance. The answer you receive should dictate any further assistance.

Place chairs or benches along a waiting area for the convenience and comfort of those who may have difficulty standing in line.

Voters with Speech or Hearing Impairment

A voter who cannot speak can give their name and address simply by providing their written name and address to the poll worker.

Follow the voter’s cues to determine whether speaking, gestures, or writing is the most effective method of communication.



If speaking, speak calmly, slowly, and directly to the voter. Do not shout. Your facial expressions, gestures, and body movements help in understanding. Face the voter at all times and keep your face in full light (not backlit).

Rephrase, rather than repeat, sentences that the voter does not understand.

Voters with Mobility Impairment

Do not push or touch another person's wheelchair or equipment without prior consent. People using adaptive equipment often consider the equipment as part of their personal space. You are also more likely to break a wheelchair or piece of equipment with which you are not familiar.

Voting by Electors Over 75 Years of Age or Older or Disabled

O.C.G.A. § § 21-2-385.1 and 21-2-409.1

On election day between the hours of 9:30 A.M. and 4:30 P.M., and also during advance voting each elector who is 75 years of age or older or who is disabled and requires assistance in voting, shall, upon request to a poll officer, be authorized at any primary or election to vote immediately at the next available voting compartment or booth without having to wait in line.

Campaign Activity or Campaign Material at the Polling Place **O.C.G.A. § § 21-2-413 and 21-2-414**

No person, when within the polling place, shall electioneer or solicit votes for any political party or body or candidate or question, nor shall any written or printed matter be posted within the room.

No person whose name appears as a candidate on the ballot being voted upon at a primary, election, special primary, or special election, except a judge of the probate court serving as the election superintendent, shall physically enter any polling place other than the polling place at which that person is authorized to cast his or her ballot for that primary, election, special primary, or special election and, after casting his or her ballot, the candidate shall not return to such polling place until after the poll has closed and voting has ceased.

No person shall solicit votes in any manner or by any means or method, nor shall any person distribute or display any campaign material, nor shall any person solicit signatures for any petition, nor shall any person, other than election officials discharging their duties, establish or set up any tables or booths on any day in which ballots are being cast:

(Continued...)



1. Within 150 feet of the outer edge of any building within which a polling place is established;
2. Within any polling place; or
3. Within 25 feet of any voter standing in line to vote at any polling place.

“Campaign materials” is defined as any newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter referring to:

- A. A candidate whose name appears on the ballot in a primary or election;
- B. A referendum which appears on the ballot in a primary or election; or
- C. A political party or body which has a nominee or nominees on the ballot in a primary or election.

The Line

The voting line is an important component in all polling places. At each polling place, there should be a plan to deal with a scenario where there is a line that is well out the door. Consider the following questions and options for a well-maintained voting line:

- Do you have room for the voters to line up safely around the building?

- O.C.G.A. § 21-2-414(a)(3) states that there can be no campaigning within 25 feet of anyone waiting in line to vote. Are you prepared to make those measurements?

- At your busier polling locations where you expect a line, have a designated person to manage the line. This person's focus should be to prepare the voters for the check-in and voting process.

- Consider giving poll workers a special nametag that says something like “Have a question about voting? Ask me.”

- Have the poll worker monitor voters in line to ensure that they are not actively campaigning in line or wearing something like a campaign t-shirt.

- Have the poll worker notify the voters of the required identification needed to vote, so that they will have it ready to present to the poll worker on the Express Poll.

- Consider equipping that poll worker with an electors list, a portable Express Poll, or a device that can access MVP so that the poll worker can look up voters in line to ensure that they are at the correct polling location.

- If the line is caused by a long ballot or long questions on the ballot, consider having sample ballots available to pass out to voters in line. The more prepared they are when they get to the voting machine, the quicker you will be able to process them.

- Consider having a clipboard with voter certificates on them so that voters in line can begin filling out their paperwork.

Cell Phones and Other Electronic Devices in the Polling Place **O.C.G.A. § 21-2-413(e)**

No person shall use photographic or other electronic monitoring or recording devices, cameras, or cellular telephones while such person is in a polling place while voting is taking place; provided, however, that a poll manager, in his or her discretion, may allow the use of photographic devices in the polling place under such conditions and limitations as the election superintendent finds appropriate, and provided, further, that no photography shall be allowed of a ballot or the face of a voting machine or DRE unit while an elector is voting such ballot or machine or DRE unit and no photography shall be allowed of an electors list, electronic electors list, or the use of an electors list or electronic electors list.

Poll Watchers **O.C.G.A. § 21-2-408**

A poll watcher is a person named by a political party, political body, or candidate who is authorized to enter the enclosed space to observe the conduct of an election and the counting and re-

ording of votes.

(d) Notwithstanding any other provisions of this chapter, a poll watcher may be permitted behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes. Such poll watcher shall in no way interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. Without in any way limiting the authority of poll managers, poll watchers are prohibited from talking to voters, checking electors lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or participating in any form of campaigning while they are behind the enclosed space.

If a poll watcher persists in interfering with the conduct of the election or in violating any of the provisions of this Code section after being duly warned by the poll manager or superintendent, he or she may be removed by such official. Any infraction or irregularities observed by poll watchers shall be reported directly to the superintendent, not to the poll manager. The superintendent shall furnish a badge to each poll watcher bearing the words "Official Poll Watcher," the name of the poll watcher, the primary or election in which the poll watcher shall serve, and either the precinct or tabulating center in which the poll watcher shall serve or a statement that such poll watcher is a state-wide poll watcher. The poll watcher shall wear such badge at all times while serving as a poll watcher.

Date

Dear Poll Manager:

I hope that you are well on your way to a successful election. For the November 4, 2008 General Election and any run-off election, the following individual is a statewide poll watcher on behalf of the _____.

Name

Address

City, ST Zip

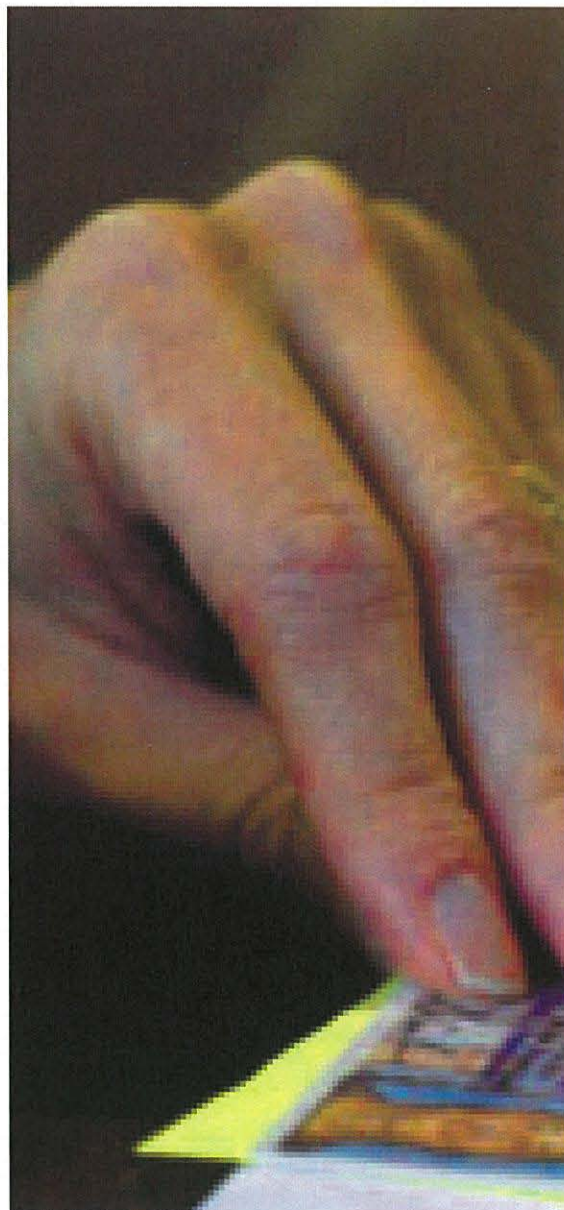
Please remember that poll watchers may not interfere in any way with the conduct of the election. Poll watchers are prohibited from talking to voters, checking electors lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or participating in any form of campaigning while behind the enclosed space. Further, no more than two statewide poll watchers of a particular political party may be in the same polling place simultaneously.

Thank you for all of your hard work

Sincerely yours,

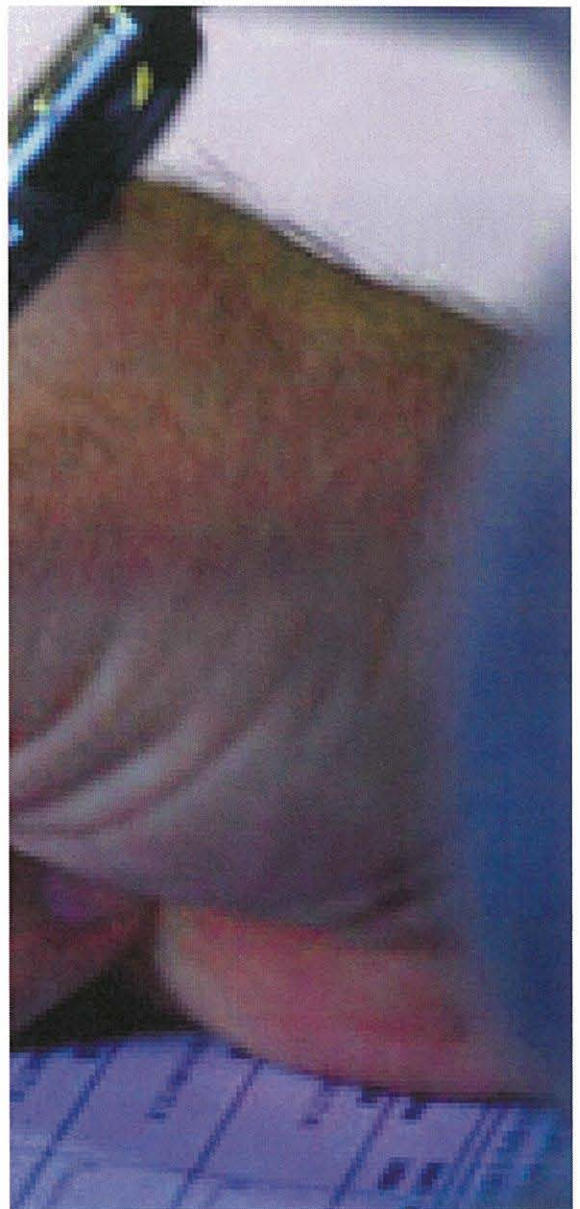
Voter Certificate

All voters must complete a voter certificate and provide proper identification.



Voter Identification

This section details certificate completion and provides examples of proper identification.



Election Day

Voter Certificate

All voters must complete the Voter's Certificate. This requires the voter to provide their name, current residence address, date of birth, and signature. Encourage the voter to take their time to complete the certificate in its entirety.

Pursuant to O.C.G.A. § 21-2-411, the board of registrars shall keep the voter's certificates for at least 24 months.

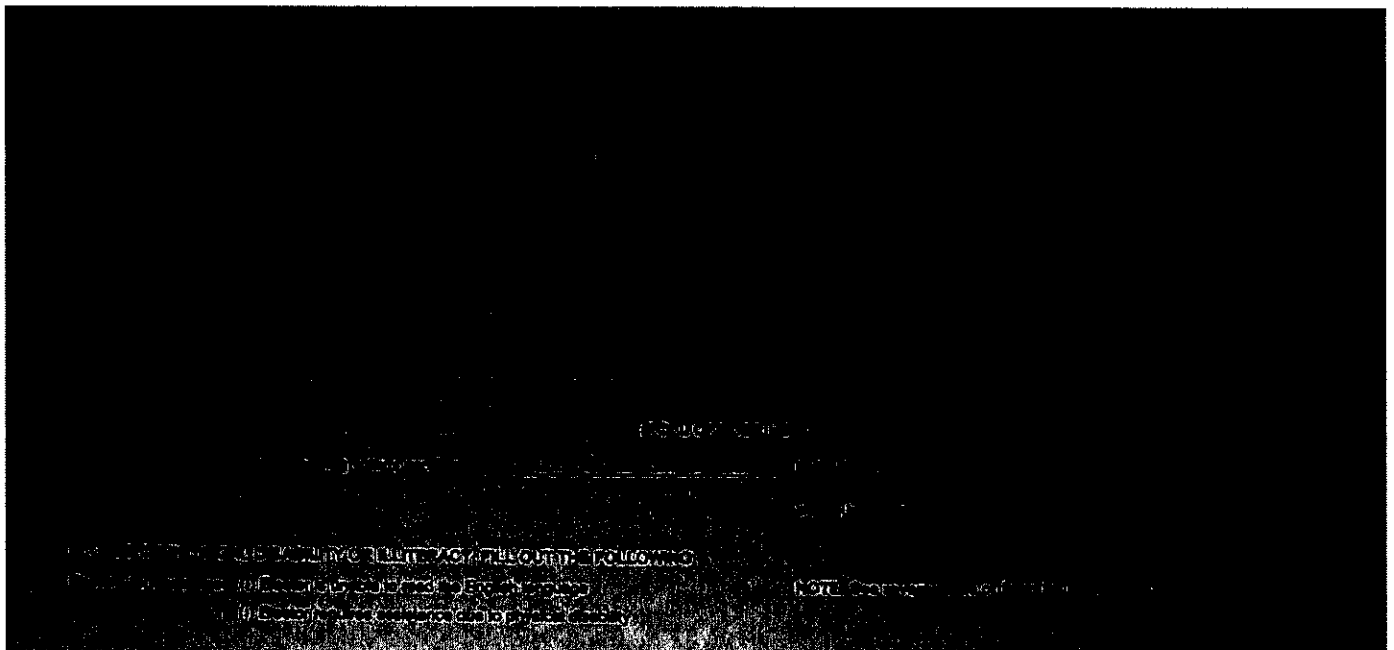
The top of the voter certificate, which details the county and election date, may be prefilled by the county.

For more information about assisting electors, please see page 45 of this manual.

The bottom half of the voter certificate is to be completed by the poll worker. The poll worker must always indicate who processed the voter certificate and the identification that was provided.

If the voter has a physical disability, which prohibits the voter from being able to write and/or sign his or her name, the poll officer should complete the Voter's Certificate and state the disability of the voter. The poll worker will then sign his or her name in the appropriate space.

If the voter requests assistance, there are spaces on the front and back of the document that must be completed.



Election Day

Voter Identification

O.C.G.A. §§ 21-2-417 and 21-2-267

Except as noted below, all voters are required to present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and before the voter is admitted to the enclosed space of the polling place. The enclosed space is that area where a guardrail or barrier is constructed and placed so that only such persons that are inside the rail or barrier can approach within six feet of the ballot box, the touch-screen units, and all voting stations.

Proper Identification

Proper identification shall consist of any one of the following:

1. A Georgia driver's license which was properly issued by the appropriate state agency;
2. A valid Georgia voter identification card or other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the voter;
3. A valid United States passport;
4. A valid employee identification card containing a photograph of the voter and issued by any branch, department, agency, or entity of the United States government, this state or any county, municipality, board, authority, or other entity of this state;
5. A valid United States military identification card, provided that such identification card contains a photograph of the voter; or
6. A valid tribal identification card containing a photograph of the voter.

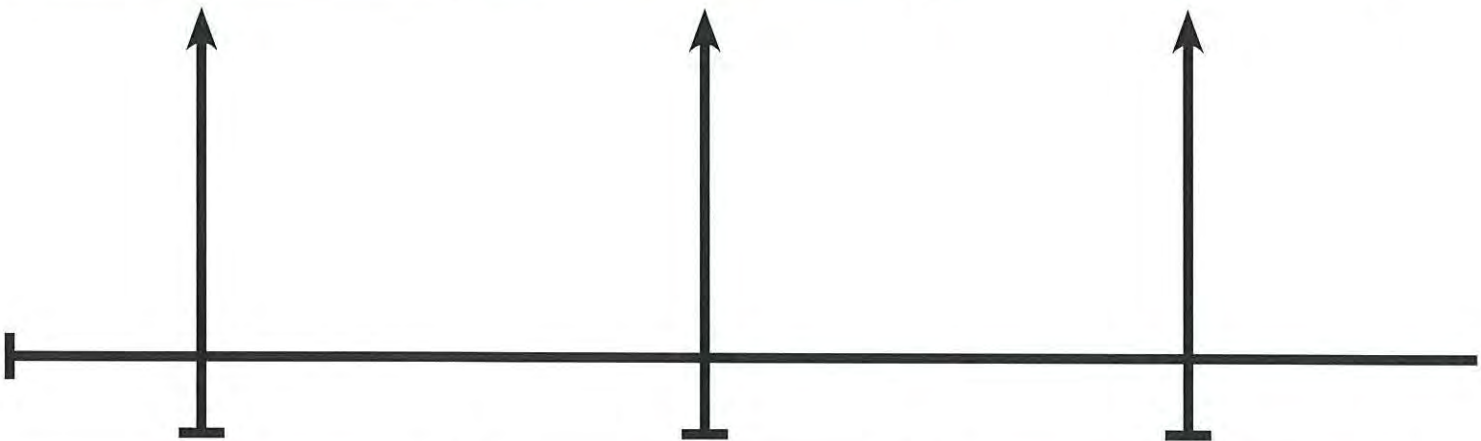
If the voter does not have any of these forms of identification, he or she may vote a provisional ballot upon swearing or affirming that he or she is the person identified in the voter certificate.

Exception: A voter who registered to vote by mail, but did not furnish the required identification at that time and is voting for the first time in this state is required to present either one of the six forms of identification listed above or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

If a voter does not have one of the six acceptable forms of photo ID, he or she will receive a letter that outlines their options. A copy of this letter, "To: Georgia Voters – Without Photo ID on Election Day" should be given to all voters without ID before they leave the polling place.

Election Day

Examples of Proper Voter Identification



A Georgia driver's license which was properly issued by the appropriate state agency.

An expired Georgia Driver's License is a valid ID for voting.

A valid Georgia Voter Identification Card (VIC) issued under Code Section 21-2-417.1 or other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector.

A valid Georgia voter identification card issued under Code Section 21-2-417.1 or other **valid identification card issued by a branch, department, agency, or entity of the State of Georgia**, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector.



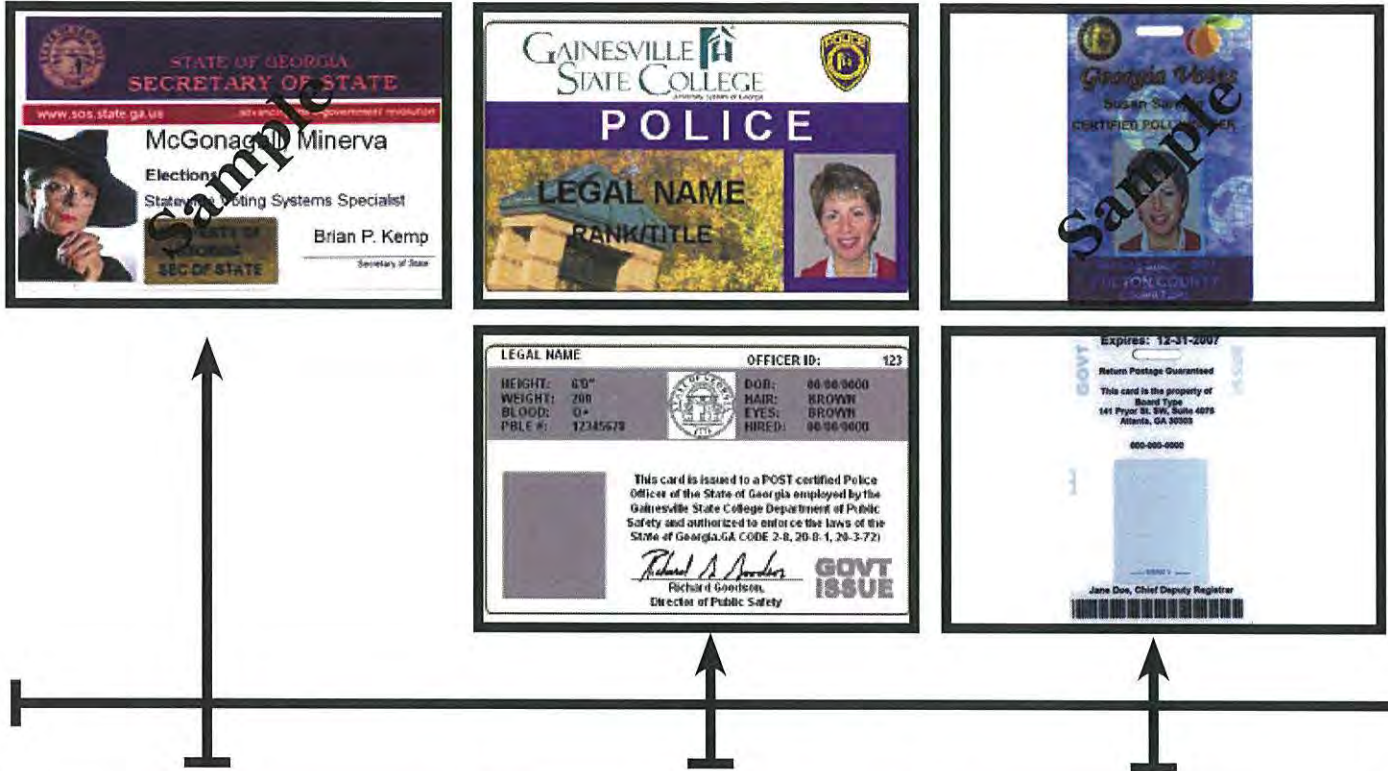
A valid Georgia voter identification card issued under Code Section 21-2-417.1 or other **valid identification card issued by a branch, department, agency, or entity of the State of Georgia**, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector.

A valid Georgia voter identification card issued under Code Section 21-2-417.1 or other **valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification**, provided that such identification card contains a photograph of the elector.

A valid United States passport.

Election Day

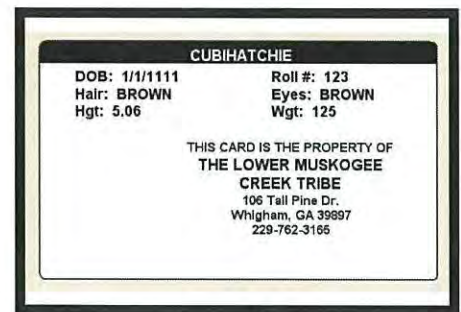
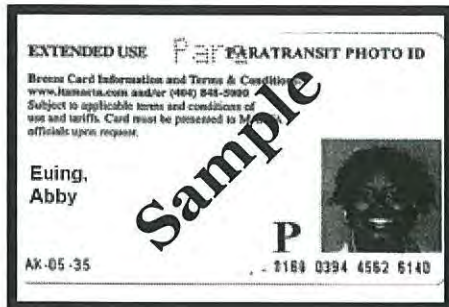
Examples of Proper Voter Identification



A valid employee identification card containing a photograph of the elector and **issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state.**

A valid employee identification card containing a photograph of the elector and **issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state.**

A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, **board, authority, or other entity of this state.**



A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, **authority**, or other entity **of this state**.

A valid United States military identification card, provided that such identification card contains a photograph of the elector.

A valid tribal identification card containing a photograph of the elector.

Election Day

ExpressPoll

There are three separate lists of voters at each polling location.

Express poll



ExpressPoll digitally stores registered voter information for each county in Georgia. ExpressPoll allows you to search for voters and check their eligibility for the election. If they have not voted, they are issued a voter access card (the card they insert into the DRE units), and added to the Numbered List of Voters.

Supplemental List



The supplemental list contains the voters that met the Voter Registration deadline, but did not meet the deadline for the ExpressPoll bulk upload. Anyone that is not on ExpressPoll but is on the supplemental list is allowed to vote on the DRE machine. These voters do not need to vote provisionally. A voter access card is manually created for these voters.

Paper Back Up list



The paper back up list is a list of all the electors in your county. If your polling place loses power or your ExpressPoll unit stops working for some reason, you do not have to stop processing voters. This is what the paper list is for.

Election Day

ExpressPoll 4000 Opening Procedures

1. Compare serial and seal numbers on ExpressPoll recap sheet with equipment. If correct, proceed.



2. Open case; remove ExpressPoll units, power cord for each unit and the orange network cord. When handling the units, make sure that you lift and carry the unit by its base. If the unit is handled only by the touch screen, you may cause the unit to malfunction.



3. Attach network cord to both units.



4. Plug the barcode scanner into the USB port before turning on the ExpressPoll unit.



5. Turn battery switch on back of each ExpressPoll unit to ON position.



6. Attach power cords to units. Make sure power cords are plugged into AC power outlet.



7. When turned on, both units will show the Launch screen.

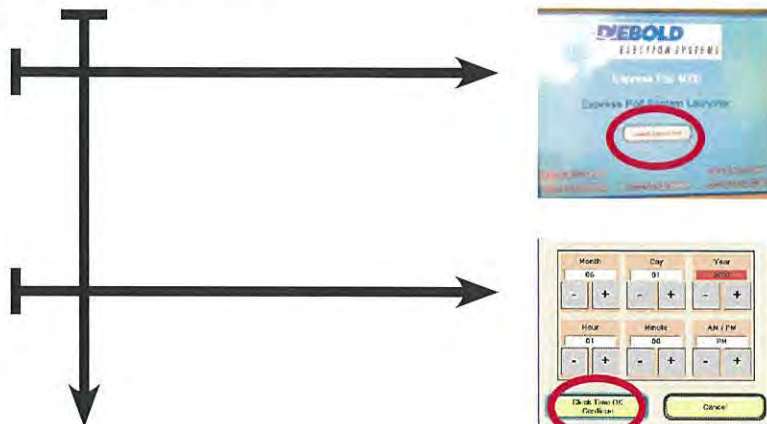


Election Day

ExpressPoll 4000 Opening Procedures

8. On both units, touch the Launch ExpressPoll button.

9. Set the date and time on the units when prompted. When finished, touch the Clock Time OK Continue button on both units.



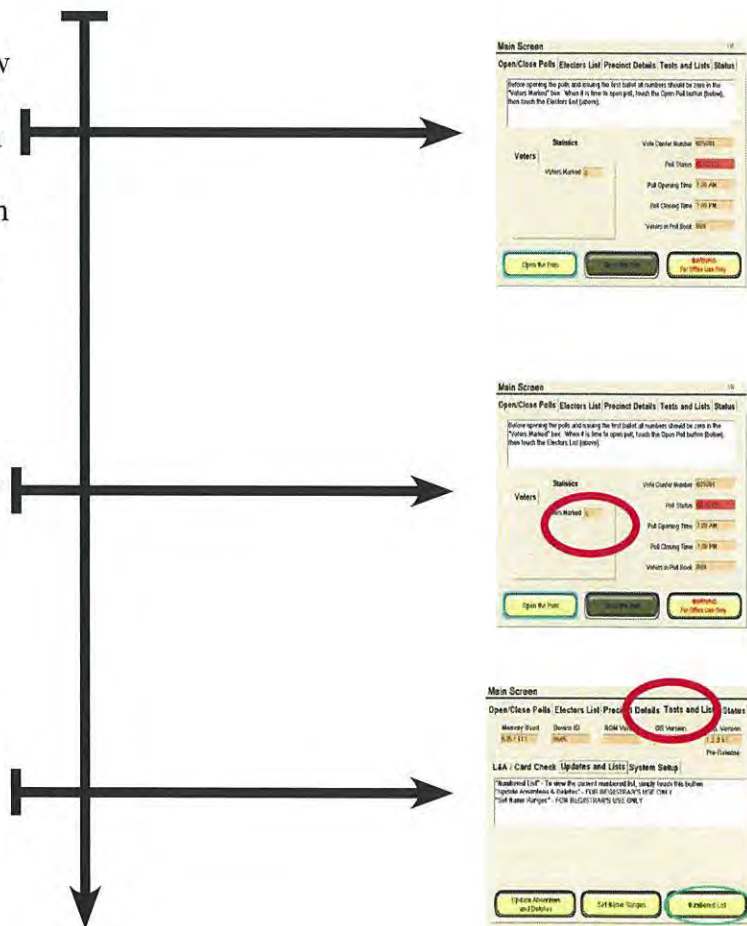
Election Day

On all ExpressPoll Units

1. When the screen pictured appears on both units, verify both units show a network connection. This is indicated with two arrows in the bottom right corner of each unit. If both these arrows are not present on both units, power the units off and begin the procedures again.

2. Record the Voters Marked number on the ExpressPoll Recap sheet. Both units should be showing zero (0).

3. At the top of the screen displayed, touch the Test and Lists tab.



4. In the center of the screen, touch the
- Updates and Lists tab.



5. Select the Numbered List button at the
- bottom of the page.



6. Record the number displayed next to the Voter Totals on the ExpressPoll recap sheet. Both units should be showing zero (0).



7. Touch the Close button at the bottom
- of the screen.



8. At the top of the screen, touch the
- Open/Close Polls tab.

Touch the Open Polls button at the bottom of the screen displayed.

The poll status field will update from CLOSED to OPENED.



Election Day

On all ExpressPoll Units

- 9 • Touch the Electors List tab at the top of the screen.
- 10 • At the next screen, touch the Search Electors List Create Voter Card button.
- 11 • The Electors List will be displayed, and you are ready to search the list.



The instructions outlined on pages 36-39 reference ExpressPoll 4000 units. If you are using a different machine, the procedures remain the same. However, the location of the physical components are different.

Election Day

Using the Barcode Scanner on ExpressPoll

Before beginning a search on ExpressPoll, check the Voter Certificate and make sure it's complete. You may locate the voter's name on the Elector's List using ExpressPoll after the review.

REMEMBER: Always begin your search with the Electors' List set in Precinct search mode.

Using the Barcode Scanner

1. A search for a voter using the barcode scanner can only be conducted from the search screen.
2. Scan the barcode on the Georgia driver's license or state identification card.
3. If located, the voter's information will be displayed automatically on the ExpressPoll screen.
4. If the voter is located by the scan process, then continue to process the voter access card.

There is no change in the procedures for creating a voter access card and all voters MUST STILL COMPLETE AND SIGN A VOTER CERTIFICATE.

5. If the voter is not located by the scan process, then locate the voter using the manual look-up process on ExpressPoll.
- Failure to locate the voter by the barcode scan process simply indicates that the driver's license number does not directly match what is in ExpressPoll. It does not mean that the voter is not listed in the voter registration system.
 - There is no requirement to look up every voter using the scanner. If a voter is unable to

remove his or her driver's license or identification card to provide access to the barcode on the back, simply locate the voter using the manual look-up process on ExpressPoll.

Helpful hints for using the Barcode Scanners

Poll workers must still check photo identification to ensure it matches the elector pursuant to O.C.G.A. §21-2-417. NOTE: Voters may still present any valid photo ID. Poll workers must not ask for a Driver's License or represent that other ID is not acceptable. If a voter presents other photo ID, manually look up the voter in ExpressPoll.

- The two barcodes on the new Georgia driver's licenses (i.e., issued after November of 2009) can throw off the scanner. If you are attempting to scan the barcode on a new driver's license, you should cover the smaller barcode at the top edge of the driver's license with your finger before you scan the larger barcode.
- Scan the barcode holding the card steady under the straight line of light from the scanner (i.e., similar to a self check-out at the grocery store, rather than a credit card swipe machine).
- You should scan the barcode from 3-6 inches away from the scanner, and hold the card at a slight angle to the scanner (this reduces any "blow back" from glare).
- If the elector is not found in ExpressPoll by scanning the barcode, simply revert to existing manual look-up procedures.

- If an elector wishes to provide an updated driver's license number, the elector may complete a voter registration application with the updated information.

- The scanner may not be used for any other purpose than for use with ExpressPoll. Do not "test" the scanner on barcodes other than on a Georgia driver's license or identification card. If you scan a barcode other than on a Georgia driver's license or state identification card, then the scanner will produce an error condition which will temporarily disable the scanner.

- If scanners are used in a precinct, then each ExpressPoll unit used to check-in voters and create voter access cards should be equipped with a scanner. It is not recommended that the precinct operate with only a partial deployment of scanners.

- Typically, the scanner functions most effectively in the hands-free capacity, so set up and use the scanner in the flex stand provided. The scanner should be positioned so that it is facing the poll worker.

- In order to save time, voters should be advised to remove their Georgia driver's license or state identification card before approaching the ExpressPoll check-in station.

- Refrain from establishing different lines at the polling place for voters using a Georgia driver's license or state identification card as their photo identification. While there may seem to be practical advantages to such lines, it may give the appearance of treating voters differently at the polling places based on the type of identification shown. Remember, the bar code scanners are not, and should not result in, a change in practice or procedure as to how voters check-in or vote on Election Day.

- Refrain from potentially alarming the voter if the scanner does not locate the voter. Do not say, "You're not in the system." or "It can't find you." These statements simply are not true, and may be misinterpreted by some voters as a statement from you that the person will not be able to vote.

If the scanner does not locate the voter, simply locate the voter using the manual look-up process on ExpressPoll.

Common Errors

- Do not scan any barcode other than from a Georgia driver's license or state identification card. If you scan a barcode other than from a Georgia driver's license or state identification card, then the scanner will produce an error condition which will temporarily disable the barcode scanner. Even if the barcode scanner is in the error condition status, you may still locate a voter using the manual look-up process on ExpressPoll. If you create such an error condition, in order to re-enable the scanner, you must hit "Return to Main" on the ExpressPoll screen then return to the electors list. This action will clear the error condition.

- If a poll worker locates a voter using the manual look-up process, creates the voter access card, removes the voter access card, does not hit "Clear" on the ExpressPoll screen, locates another voter using the scanner, creates a voter access card, removes the voter access card, and then touches any of the electors in the list displayed on the ExpressPoll screen, the unit will show an error condition and reboot. After the reboot process, the ExpressPoll unit will function normally.

IMPORTANT: In order to avoid this error condition, between each search, always touch "Clear" on the ExpressPoll screen.

- It is critical that you, as the poll worker, confirm that the record located via the scanner is the voter standing before you. It is possible that an incorrect driver's license number may be associated with a voter (for instance, this can occur where an applicant accidentally inverts numbers on the voter registration application). If this is the case, touch "Clear" on the ExpressPoll screen and locate the voter using the manual look-up process on ExpressPoll. The elector may complete a voter registration application with his or her correct Georgia driver's license number or state identification card number.

- The age of a Georgia driver's license or state identification card may affect the scanner's ability to read the barcode. The barcode may become smeared, dirty, or worn over time. If the barcode scanner is unable to read the barcode on the first or second attempt, simply locate the voter using the manual look-up process on ExpressPoll.

When voter's name is located: (with status of A or I. For other status indicators, see below)

Touch the voter's name to access their full record and to begin the process of creating a Voter Access Card. When the Voter Access Card has been created, the voter's record will be updated to show them as voted and the Elector's List marked. Mark the Voter's Certificate on the appropriate line.

When voter's name is NOT located:

If the name cannot be found as it appears on the Voter's Certificate, ask the voter if his or her name could be listed any other way. If the voter is registered differently, print the name as it is listed on the Electors' List onto the Voter's Certificate.

If the voter's name is not on the Electors' List, or cannot be found using Express-Poll's statewide registration search capability, or is not found on a Supplemental Electors' List (if provided), notify the Poll Manager. The voter may be offered a provisional ballot.

Voter is located and has other status or IDR Indicators

If IDR is indicated on the voter's row, the voter must provide current and valid identification from one of the proper forms of identification prior to voting. NOTIFY THE POLL MANAGER that this voter must cast a Provisional Ballot if they are unable to provide acceptable identification. (See additional information in the Provisional Voter section in this guide.)

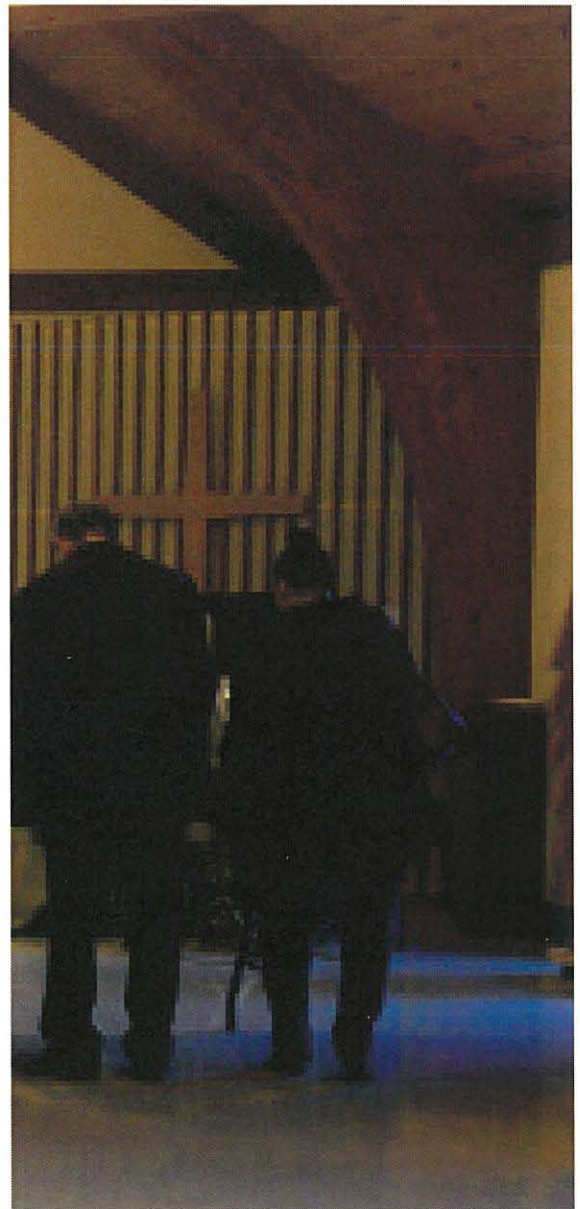
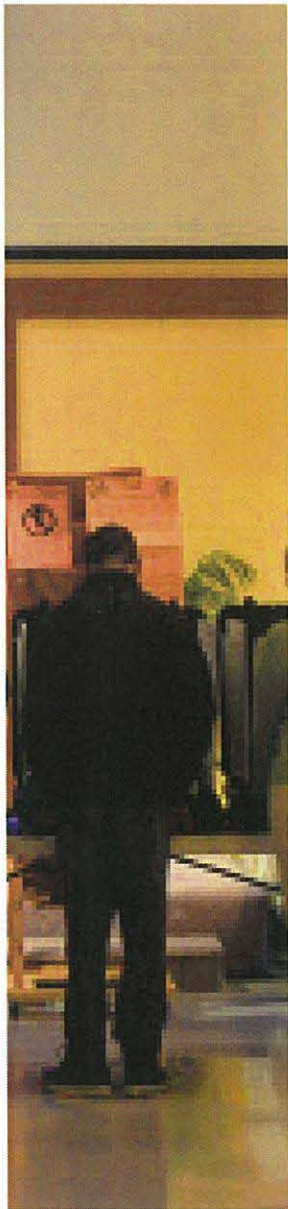
Voting

Upon receiving their Voter Access Card, the voter will step to the appropriate location to cast their ballot.



This section covers the procedures that you must follow if a voter requires assistance when casting their ballot.

These procedures are covered in both Title 21 of the Official Code of Georgia Annotated and the Rules of the State Election Board.



Voting

Assisting Electors in the Code

O.C.G.A. § 21-2-409

(a) No elector shall receive any assistance in voting at any primary or election unless he or she is unable to read the English language or he or she has a disability which renders him or her unable to see or mark the ballot or operate the voting equipment or to enter the voting compartment or booth without assistance. A person assisting an elector shall identify himself or herself to a poll worker

who shall record such information on the disabled elector's voter certificate showing that such person provided assistance in voting to such elector.

(b)(1) In elections in which there is a federal candidate on the ballot, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select any person of the elector's choice except such elector's employer or agent of that employer or officer



or agent of such elector's union.



O.C.G.A. § 21-2-410

If any elector, before or after entering the voting booth, shall ask for instructions concerning the manner of voting, a poll officer may give such elector such instructions; but no person giving an elector such instructions shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket or for any particular candidate or for or against any particular question. After giving such instructions and before the elector closes the booth or votes, the poll officer shall retire and the elector shall immediately vote.

A poll worker may assist a voter with inserting a Voter Access Card, bringing up the instruction screen, and review instructions with the voter, but must leave the booth when the voter touches the "START" button.

O.C.G.A. § 21-2-413(f)

All persons except poll officers, poll watchers, persons in the course of voting and such persons' children under 18 years of age or any child who is 12

years of age or younger accompanying such persons, persons lawfully giving assistance to electors, duly authorized investigators of the State Election Board, and peace officers when necessary for the preservation of order, must remain outside the enclosed space during the progress of the voting. Notwithstanding any other provision of this chapter, any voter shall be permitted to be accompanied into the enclosed area and into a voting compartment or voting machine booth while voting by such voter's child or children under 18 years of age or any child who is 12 years of age or younger unless the poll manager or an assistant manager determines in his or her sole discretion that such child or children are causing a disturbance or are interfering with the conduct of voting. Children accompanying a voter in the enclosed space pursuant to this subsection shall not in any manner handle any ballot nor operate any function of the voting equipment under any circumstances.



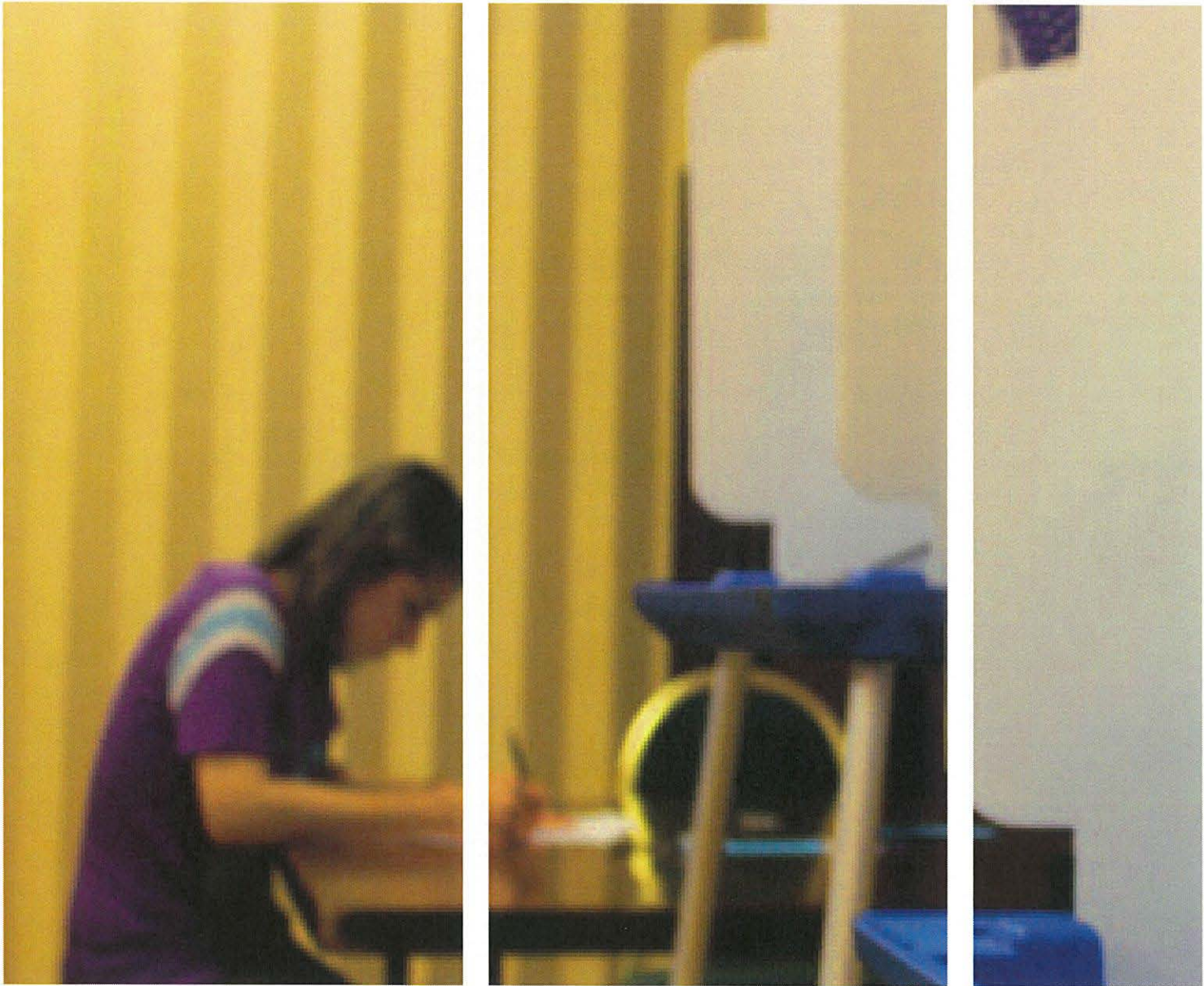
Election Offenses Involving Operation of the Polls

Poll managers must familiarize themselves with the following sections of the Georgia Election Code to ensure that unlawful acts or omissions by poll officers do not occur.

- O.C.G.A. § 21-2-584: Refusal or failure of manager to administer oath to poll officer; poll officer acting without being sworn; giving of false certificate as to swear of poll officer.
- O.C.G.A. § 21-2-587: Failure to return memory cards.
- O.C.G.A. § 21-2-587: Frauds by poll officers.
- O.C.G.A. § 21-2-588: Premature counting of votes by poll officer.
- O.C.G.A. § 21-2-589: Willful omissions by poll officers.
- O.C.G.A. § 21-2-590: Poll officer permitting unregistered or unqualified persons to vote; refusing to permit registered and qualified persons to vote; unlawful rendering of assistance.
- O.C.G.A. § 21-2-591: Poll officers permitting unlawful assistance to voters.
- O.C.G.A. § 21-2-592: Failure of poll officers to keep record of assisted voters.

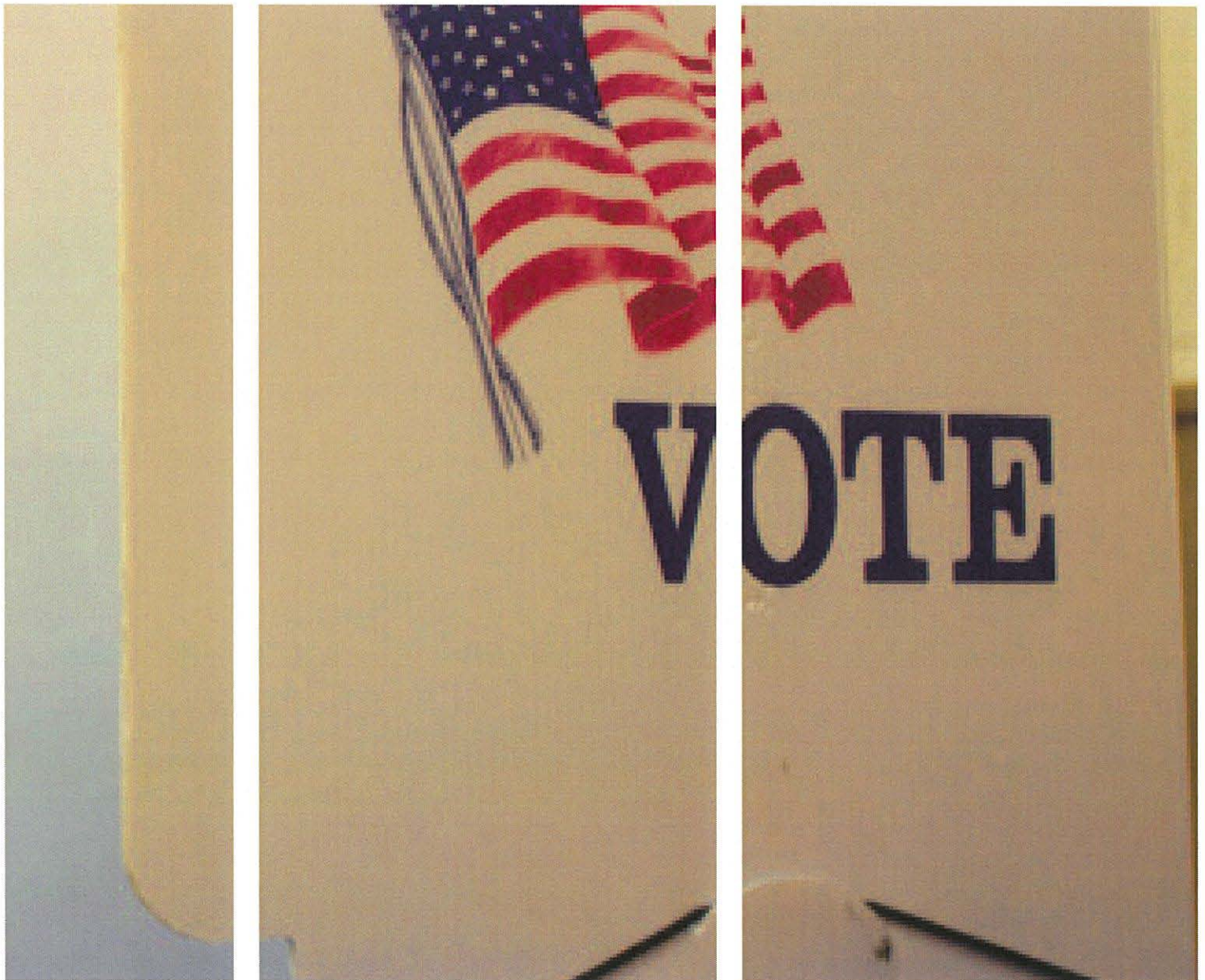
Provisional Ballots

The procedures for issuing a provisional or challenged ballot are detailed in the following pages.



Challenged Ballots

Also included are the applicable sections of the Georgia Election Code and the rules of the State Election Board.



Provisional

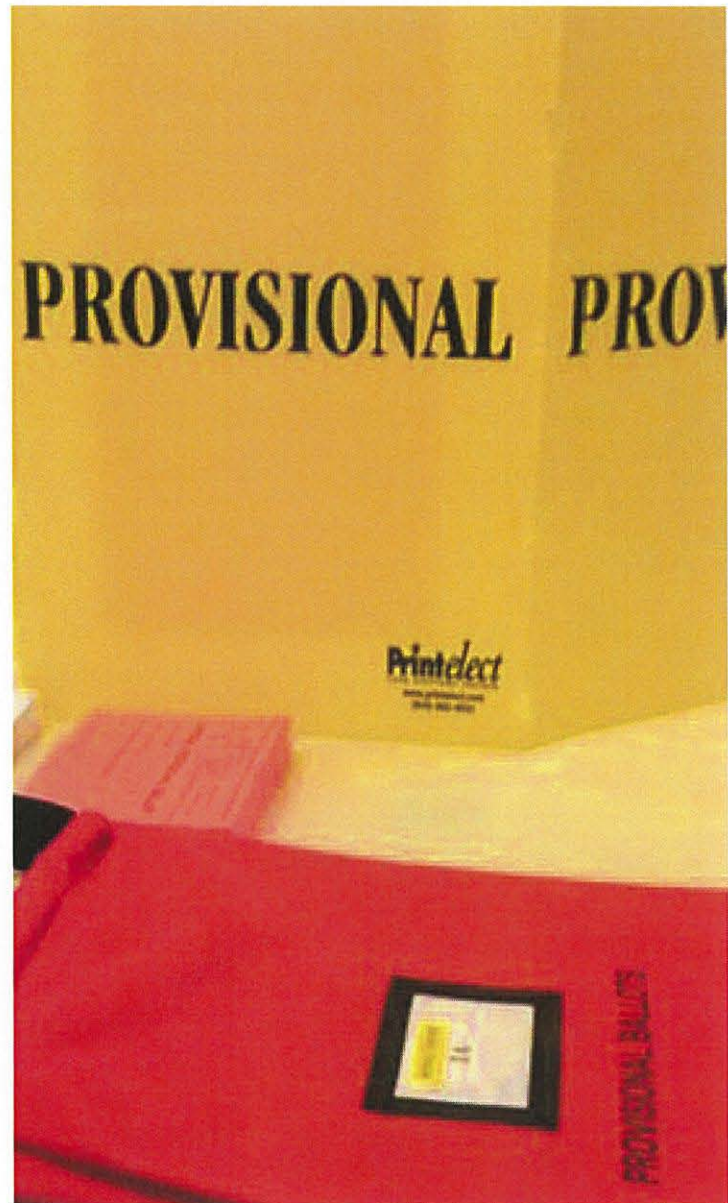
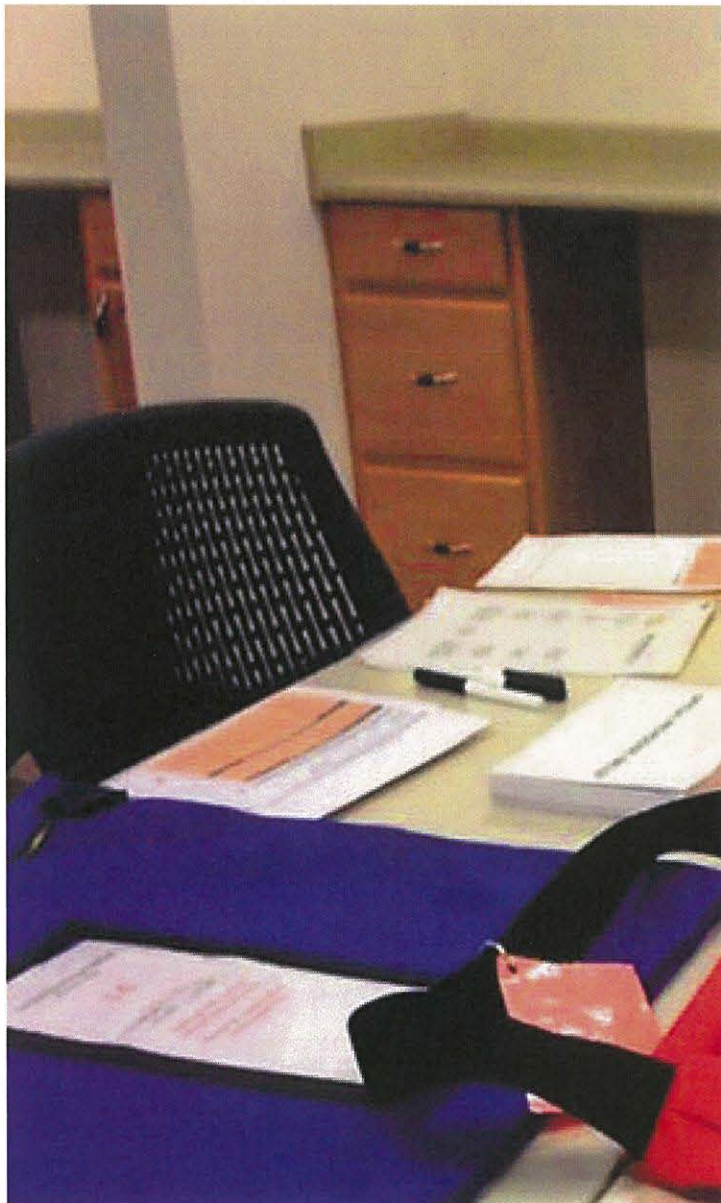
Provisional Ballots in the Code

O.C.G.A. § 21-2-418

(a) If a person presents himself or herself at a polling place, absentee polling place, or registration office in his or her county of residence in this state for the purpose of casting a ballot in a primary or election stating a good faith belief that he or she has timely registered to vote in such county residence in such primary or election and the person's

name does not appear on the list of registered electors, the person shall be entitled to cast a provisional ballot in her or her county of residence in this state as provided in this Code section.

(b) Such person voting a provisional ballot shall complete an official voter registration form and a provisional ballot voting certificate which shall include information about the place, manner, and approximate date on which the person registered



to vote. The person shall swear or affirm in writing that he or she previously registered to vote in such primary or election, is eligible to vote in such primary or election, has not voted previously in such primary or election, and meets the criteria for registering to vote in such primary or election. The form of the provisional ballot voting certificate shall be prescribed by the Secretary of State. The person shall also present the identification required by Code Section 21-2-417.

(c) When the person has provided the information as required by this Code section, the person shall be issued a provisional ballot and allowed to cast such ballot as any other duly registered elector subject to the provisions of Code Section 21-2-419.

(d) Notwithstanding any provision of this chapter to the contrary, in primaries and elections in which there is a federal candidate on the ballot, in the event that the time for closing the polls at a polling place or places is extended by court order, all electors who vote during such extended time period shall vote by provisional ballot only. Such ballots shall be separated and held apart from other provisional ballots cast by electors during normal poll hours. Primaries and elections in which there is no federal candidate on the ballot shall not be subject to the provisions of this subsection.

(e) The registrars shall establish a free access system, such as a toll-free telephone number or Internet website, by which any elector who casts a provisional ballot in a primary or election, or runoff of either, in which federal candidates are on the ballot may ascertain whether such ballot was counted and, if such ballot was not counted, the reason why such ballot was not counted. The registrars shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by such free access system. Access to such information about an individual provisional ballot shall be restricted to the elector who cast such ballot.

(f) At the time an elector casts a provisional ballot, the poll officers shall give the elector written information that informs the elector of the existence of the free access system required by subsection (e) of this Code section by which the elector will be able to ascertain if his or her ballot was counted and, if such ballot was not counted, the reason why such ballot was not counted.

(g) Failure to establish such free access system shall subject the registrars and the county by which the registrars are employed to sanctions by the State Election Board.

(h) Notwithstanding any other provision of this chapter to the contrary, in the event that the voting machines or DRE units at a polling place malfunction and cannot be used to cast ballots or some other emergency situation exists which prevents the use of such equipment to cast votes, provisional ballots may be used by the electors at the polling place to



cast their ballots. In such event, the ballots cast by electors whose names appear on the electors list for such polling place shall not be considered provisional ballots and shall not require verification as provided by Code Section 21-2-419; provided, however, that persons whose names do not appear on the electors list for such polling place shall vote provisional ballots which shall be subject to verification under Code Section 21-2-419.

S.E.B. Rule 183-1-12-.06

(1) This rule shall govern the casting of provisional ballots by voters at primaries and elections in accordance with O.C.G.A. §§ 21-2-418 and 21-2-419.

(2) In each polling place, there shall be established a location or station in the public area of the polling place for the purpose of issuing and receiving provisional ballots.

(3) The election superintendent shall provide each polling place with an adequate supply of provisional ballots in each ballot style (district combination) for the precinct and an inner ballot envelope and an outer ballot envelope. The ballot envelopes shall be so designed that the ballot will fit within the inner ballot envelope and the inner ballot envelope will fit within the outer ballot envelope. The inner ballot envelope shall have printed on it the words "Official Provisional Ballot" and nothing else. The outer envelope shall have places for inserting the person's name, precinct, date and name of election, ballot style (district combination), and whether such ballot is a regular provisional ballot, a provisional ballot cast by a voter who registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. §§ 21-2-220 and 21-2-417, or a ballot cast during poll hours extended by a court order, or a combination thereof. Primaries and elections conducted by counties shall use optical scan ballots for provisional voting. Optical scan absentee ballots shall be acceptable for use as provisional ballots. Municipalities shall use the same type of ballots as the municipality uses for mail-in absentee voting. The election superintendent shall also provide a booth for voting provisional ballots in the enclosed space which will provide privacy

for a person while voting a provisional ballot and a secure container in which the voted provisional ballots shall be placed.

(4) Voters whose names do not appear on electors list.

(a) When a person arrives at a polling place, completes a voter's certificate, and presents it to the poll workers but the person's name does not appear on the official electors list for the precinct, the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, if a master list of registered electors is available, the poll workers shall check the list to determine if the person is registered at a different precinct. If the person's name appears on the master list for a different precinct, the poll workers shall direct the person to the correct precinct.

(b) If the person's name is not found on the official list of electors for the precinct or the master list, if available, the poll officers shall immediately contact the registrars and the person shall provide such information as the registrars may request to determine if the person is eligible to vote in the election. The registrars shall promptly review the information provided by the person and shall attempt to determine if the person timely and properly registered to vote.

(c) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election and should be assigned to the precinct at which the person is present, the registrars shall authorize the poll officers to add the person's name to the official electors list for the precinct and shall permit the person to vote in the same manner as other voters in the precinct vote. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the precinct with a notation of the name of the registrar who authorized such addition. Upon presentation of a properly completed voter's certificate and the identification required by O.C.G.A. § 21-2-417, the person shall

be permitted to vote in the same manner as other voters in the precinct.

(d) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election but should be assigned to a different precinct from the one at which the person is present, the registrars shall direct the poll officers to send the person to the appropriate other precinct and the registrars shall notify the officers of such other precinct to add the person's name to the official electors list for such other precinct. When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers at such other precinct which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the other precinct by the poll officers of the other precinct with a notation of the name of the registrar who authorized such addition. Upon the completion of a voter's certificate and the submission of the identification required by O.C.G.A. § 21-2-417, the person shall be permitted to vote in the same manner as other persons in such other precinct. However, if, in the reasonable exercise of discretion by the registrars or the poll workers, there is insufficient time for such person to go to such other precinct before the polls close, the poll workers may allow such person to vote a provisional ballot at the precinct in which the person is present. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c).

(e) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if properly registered, would be assigned to the precinct at which the person is present, the registrars shall authorize the poll officers to permit the person to cast a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style

(district combination) should be issued to the person.

(f) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if registered, would be assigned to a different precinct from the precinct in the county or municipality at which the person is present, the registrars shall direct the poll officers to send the person to the appropriate precinct. The registrars shall notify the officers of such other precinct to permit the person to vote a provisional ballot when such person arrives at such precinct, completes an official voter registration form and a provisional ballot voter's certificate, and submits the appropriate identification required by O.C.G.A. § 21-2-417. When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person. However, if, in the reasonable exercise of discretion by the registrars or the poll workers, there is insufficient time for such person to go to such other precinct before the polls close, the poll workers may allow such person to vote a provisional ballot at the precinct at which such person is present. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c).

(g) If the person appears at a precinct in a county or municipality in which the person does not reside, the registrars shall instruct the poll officers to direct the person to contact the registrars in the county in which the person resides to determine in which precinct such person should vote.

(h) If the poll officers cannot get in touch with the registrars after making a reasonable effort to do so, the poll officers shall be authorized to permit the person to vote a provisional ballot at the precinct without additional authorization from the registrars. In such case, all votes cast by such person for candidates for whom such person is

properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c).

(i) Upon receiving authorization to vote a provisional ballot, the person shall complete a provisional ballot voter's certificate and an official voter registration form and submit such completed certificate and form to the poll officers along with the appropriate identification required by O.C.G.A. § 21-2-417. The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and vote the ballot. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.

(j) Upon receiving the sealed ballot envelope from a person casting a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public. The provisional ballot voter's certificate and voter registration form shall be attached together and shall be placed in a separate, distinctively marked envelope which shall be placed in a secure location in the polling place.

(5) Voter who registered for first time by mail but did not provide required identification.

(a) When a person arrives at a polling place, completes a voter's certificate, and presents it to the poll workers but does not have the identification required by O.C.G.A. § 21-2-417 and the person's name appears on the official electors list for the precinct with a designation that the person registered to vote for the first time in this state by mail but has not provided the required identification to the registrars as required by O.C.G.A. § 21-2-220, the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, the person shall be permitted to cast a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the poll officers shall issue the appropriate ballot style (district combination) to the person as shown on the electors list. The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and vote the ballot. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.

(b) Upon receiving the sealed ballot envelope from a person casting a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.

(c) The provisional ballot shall not be counted unless the voter provides the identification re-

quired by O.C.G.A. §§ 21-2-220 and 21-2-417 to the registrars before the end of the period set by law for the verification of provisional ballots. Such identification may be provided to the registrars in person or by facsimile transmission or, in the case of disabled voters, by delivery by a third party.

(6) Voters voting during extended polling hours in an election in which federal candidates are on the ballot.

(a) In the event that the polling hours for a polling place are extended by a court order beyond the normal closing time for a primary, election, or runoff in which federal candidates are on the ballot, all voters who vote after the normal closing time for the polling place shall vote by provisional ballot.

(b) Voters whose names appear on the electors list and who have the appropriate identification required by O.C.G.A. § 21-2-417 shall complete a provisional voter's certificate and shall be issued a provisional ballot along with an inner ballot envelope and an outer ballot envelope. Such voters shall not be required to complete a voter registration form. It also shall not be necessary to obtain approval from the registrars to issue provisional ballots to such voters. The poll officers shall place the name of the person on the numbered list of provisional ballot voters. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to a provisional ballot voting booth and vote the ballot. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers. Upon receiving the sealed ballot envelope from a person casting a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box to designate that the ballot is an extended poll hours provisional ballot, and shall direct the person to place the ballot envelope into the secure container for

provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.

(c) If the voter's name is not on the electors list, the poll workers shall follow the provisions of this rule for regular provisional balloting under this rule and, if the voter is authorized by the registrars to vote a provisional ballot under the terms of this rule, shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.

(d) If the voter's name is on the electors list but registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. § 21-2-220, the poll officers shall permit the voter to vote in accordance with the provisions of this rule for first time voters who register for the first time in this state by mail without providing the required identification, and shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.

(e) The poll officers shall provide each first time voter who registered for the first time in this state by mail without providing the required identification who casts a provisional ballot information on how the voter may provide the registrars with the appropriate identification in order that the voter's ballot may be counted.

(7) Each voter casting a provisional ballot in a primary, election, or runoff in which federal candidates appear on the ballot shall be given written information explaining how such voter can ascertain if such ballot is counted and, if such ballot is not counted, the reason why such ballot was not counted.

(8) The provisional ballot voter's certificates and voter registration cards may be picked up during the day by a registrar or deputy registrar for the purpose of beginning the process of determining the eligibility of the persons to cast provisional ballots. Before transferring the voter's certificates and registration cards to the registrars during the day, the poll officers shall note the number

of certificates and cards being transferred to the registrars. If such voter's certificates and registration cards are not picked up by the registrars by the time that the polls close and the last voter has voted, the envelope in which the provisional ballot voter's certificates and voter registration cards have been deposited shall be securely sealed and shall be returned to the election superintendent with the other materials from the polling place.

(9) After the close of the polls and the last voter has voted, the poll officers shall account for all voted provisional ballots, cancelled and spoiled provisional ballots, and unused provisional ballots. The ballot stubs and unused and spoiled ballots shall then be securely sealed in the container provided for them by the election superintendent. The poll officers shall then proceed to open the secure container in which the provisional ballots were deposited and count the number of voted provisional ballots contained therein. The poll officers shall then compare the total number of persons voting provisional ballots as shown on the numbered list of provisional ballot voters with the number of ballots issued and the number of ballots voted. If these numbers do not equal one another, the poll officers shall determine the reason for the inconsistency and shall correct the problem before going further. The poll officers shall seal the voted provisional ballots in a container for transfer to the election superintendent. The poll officers shall complete and sign a provisional ballot recap sheet and post one copy of the recap sheet on the door of the polling place with the election results from the precinct. The remaining copies of the provisional ballot recap sheet along with the numbered list of provisional ballot voters shall be returned to the election superintendent with the other election materials from the precinct.

(10) Upon receiving the election materials from the precincts, the election superintendent shall ensure that the envelope containing the provisional ballot voter's certificates and voter registration cards is promptly removed from the other materials and transferred to the registrars for processing. In any event, the voter's certificates and registration cards shall be transferred to the registrars no later than 9:00 a.m. on the day following the day of the primary, election, or runoff. The election

superintendent shall also remove the container containing the voted provisional ballots and shall place such container in a secure location within the election superintendent's office.

(11)

(a) Upon receiving the provisional ballot voter's certificates and voter registration cards from the election superintendent, the registrars shall promptly proceed to determine the eligibility of each person that voted a provisional ballot.

(b) If the registrars determine that the person did timely register and is eligible and entitled to vote in such primary, election, or runoff, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is accepted and shall notify the election superintendent of the proper ballot style (district combination) for the voter.

(c) If the registrars determine that the person did not timely register to vote for the primary or election or is not eligible and entitled to vote in such primary or election or if the registrars cannot determine by the close of business on the third business day following the day of the primary, election, or runoff if the voter timely registered and was eligible and entitled to vote in such primary or election, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is rejected.

(d) Not later than the close of business on the third business day following the day of the primary, election, or runoff, the registrars shall return to the election superintendent the numbered list of provisional ballot voters reflecting the accepted and rejected provisional ballots.

(e) The names of those persons whose names are accepted shall be added to the official electors list. The voter registration cards of those persons whose ballots are rejected on the numbered list of provisional ballot voters shall be processed by the registrars and, if found to be eligible and qualified, shall be added to the electors list for future elections.

(f) The registrars shall maintain the provision-

al ballot voter's certificates for the same period of time and under the same conditions as the regular voter's certificates. Voter registration cards completed by provisional ballot electors shall be maintained for the same period of time and under the same conditions as other voter registration cards.

(12) Upon receiving the numbered list of provisional ballot electors from the registrars, the election superintendent shall prepare to count the accepted provisional ballots. The election superintendent shall first compare the precinct designation and election district information with the style of ballot (district combination) cast by the provisional ballot voter.

(a) If the ballot style (district combination) voted by the voter was correct, then the election superintendent shall open the outer envelope and place the inner envelope containing the ballot into a ballot box.

(b) If the ballot style (district combination) voted by the voter was not correct, then the election superintendent shall open the outer envelope and note the correct ballot style (district combination) on the inner envelope. Each such inner envelope shall then be placed in a separate container until all of the outer envelopes have been opened. The outer envelopes shall then be stored in a location away from the inner envelopes in a manner such that the inner envelope and ballot of a voter cannot be identified as being the ballot of a particular voter. The superintendent shall then open each such inner envelope and remove the ballot and shall place a unique identifying number on the ballot along with the designation of the precinct in the nonreflective area at the top of the ballot. The election superintendent shall then prepare or cause to be prepared a duplicate ballot. The duplicate ballot shall be clearly labeled with the word "Duplicate" and shall bear the name of the precinct and the same unique identifying number as the original ballot in the nonreflective area at the top of the ballot. The election superintendent shall transfer or cause to be transferred to the duplicate ballot, in the presence of at least two other consolidation assistants and in public, only the votes cast by the provisional ballot voter in the races and on the questions to which such voter was eligible and

entitled to vote. The votes entered on the duplicate ballot shall be verified by at least one consolidation assistant. The completed duplicate ballot shall be placed in the ballot box with the other provisional ballots to be counted. The original ballot shall be placed into an appropriate container and retained.

(c) After opening all of the outer envelopes and making all necessary duplicate ballots, the election superintendent shall then open the inner envelopes of the ballots in the ballot box and proceed to count the votes in the same manner as absentee ballots are counted. Upon completing the count, the election superintendent shall add the provisional ballot votes to the other votes cast at the polls and by absentee ballot and shall consolidate and certify the results of the primary, election, or runoff. The provisional ballots and any duplicates shall be retained for the same time period and in the same manner as absentee ballots.

(d) The rejected provisional ballots shall be marked on the outer envelope as "Not Counted" and shall not be opened. The ballots shall be maintained for the same time period and in the same manner as absentee ballots which were returned too late to be counted.

(e) The election superintendent shall notify the registrars of the names of those persons who cast a provisional ballot in the wrong precinct or on an incorrect ballot style (district combination).

(13)

(a) Upon identifying the rejected provisional ballot electors, the registrars shall proceed promptly to notify each such person by first-class mail at the address shown on the provisional ballot voter's certificate that his or her ballot was not counted because of the inability of the registrars to verify that the person timely registered to vote or such other proper reason. If the person's voter registration card was approved, the registrars shall also notify the person that his or her name will be added to the elector's list and the person will be eligible to vote in future primaries and elections and that a voter notification or precinct card will be mailed to the person to provide the voter with the correct precinct and election district in-

formation.

(b) Upon receiving notification from the election superintendent of the names of persons who cast provisional ballots in the incorrect precinct or on the incorrect ballot style (district combination), the registrars shall notify such persons of their correct precinct and/or election district information. The sending of a voter notification or precinct card by first-class mail to the address shown on the voter registration card completed by such person when voting by provisional ballot shall be sufficient notice for such voters.

(c) If the person's voter registration is rejected, the registrars shall notify the person of such rejection in accordance with O.C.G.A. § 21-2-226(d).

(d) In addition, the registrars shall establish a free access system, such as a toll-free telephone number or an Internet website, by which voters who cast provisional ballots in a primary, election, or runoff in which federal candidates are on the ballot may ascertain whether their ballots were counted or, if the ballots were not counted, the reasons why such ballots were not counted. The registrars shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by such system. Access to information about an individual provisional ballot shall be restricted to the voter who cast such ballot.

General Reminders

- Make sure the Vote Here sign is at the street for the public to see.
- Make sure the machines are daisy chained.
- Make sure the Provisional Ballot station is set up when the polls open and the ballots are always secured.
- You must open the polls at 7am.
- Do not lock the polling place doors. Always keep the doors unlocked.
- There are to be three people in the polling place at all times, a Manager and 2 Assistants. If an emergency occurs and someone has to leave, make sure to swear in their replacement.
- The Assistant Manager needs to be ready to step up and assume the role of Manager if something happens to the Manager.
- Remember that the memory cards need to be with two people at all times.
- Make sure you record what time the last voter voted on the recap sheet.
- Remember to post the results tape and the yellow copy of the Provisional/Challenged Recap sheet on the polling place door. Even if the recap of the Provisional/Challenged is zero, you need to record that and post the yellow copy.
- Remember to take the memory cards out of the DRE machines.
- Make sure all machines are sealed at the end of the day.

Provisional

Situations When a Voter can be Issued a Provisional Ballot

1.

Person whose name does not appear on electors list

If a person is not on your Electors List, search the statewide list to see if the voter is registered in a different precinct. If the voter is on the statewide list, but in another precinct, inform the voter of their assigned precinct and then let the voter decide if they would like to go to their assigned precinct, or vote a provisional ballot.

2.

Person whose name is not on ExpressPoll, the supplemental list, or the paper back up list

If a person is not listed on ExpressPoll, the supplemental list, or the paper back up list, they may be issued a provisional ballot.

3.

Voter who registered for the first time by mail but did not provide required identification

If a voter who registered for the first time in Georgia by mail and does not supply the proper identification, there will be an IDR in the column to the left of the person's name on the Electors List. If the voter cannot supply the appropriate identification the voter must be issued a Provisional Ballot. Please note that an IDR voter is allowed to show other forms of identification in addition to the listed forms of photo ID.

4 .

Voter who is casting a ballot during extended poll hours as a result of a court order (applies to federal elections only)

This provision only applies when there is a federal race on the ballot.

In the event that the time for closing the polls at a polling place is extended by court order, all electors who vote during such extended time period shall vote by provisional ballot only. The Elections Superintendent will notify you in the event this occurs.

6 .

Voter who is assigned to a different precinct

If an elector's name appears on the master electors list in your county but the voter is not at the correct precinct and there is insufficient time for the voter get to the correct precinct before the polls close, a provisional ballot may be cast.

Inform the voter that all votes cast for candidates for whom the voter is properly entitled to vote shall be counted and all votes casts for candidates for whom the voter is not entitled to vote shall be void.

5 .

Voter who does not have one of the required forms of photo ID

If a voter does not have the appropriate photo identification, he or she should be issued a provisional ballot and instructed that the ballot will be counted only if the voter provides the proper identification to the registrar's office not later than three days following the day of the primary, election, or runoff.

7 .

Challenged elector appears at the polling place to vote

If an elector has been challenged and appears at the polls to vote prior to the challenge hearing or decision, the elector shall be permitted to vote by casting a challeged ballot on the same type of ballot used for provisional ballots. Use the code "CHAL."

8 .

IDR is in the ExpressPoll record or electors list and the voter cannot supply the appropriate ID (IR)

When IDR is marked beside an elector's name in the ExpressPoll Record or the Electors List and the voter cannot supply the appropriate ID, the voter may vote provisional but must bring the appropriate ID to the registrar's office not later than three days following the day of the primary, election, or runoff.

Provisional

Provisional Ballot Codes

PI

Registered voter who does not have photo ID to present at time of voting

PR

Person believing that he or she has timely registered to vote but whose name does not appear on electors list

IR

Voter who registered for first time by mail but did not provide required identification

EH

Voter who is casting a ballot during extended poll hours as a result of a court order (applies to federal elections only)

X

Voter who registered for the first time in Georgia but did not provide proof of citizenship

OP

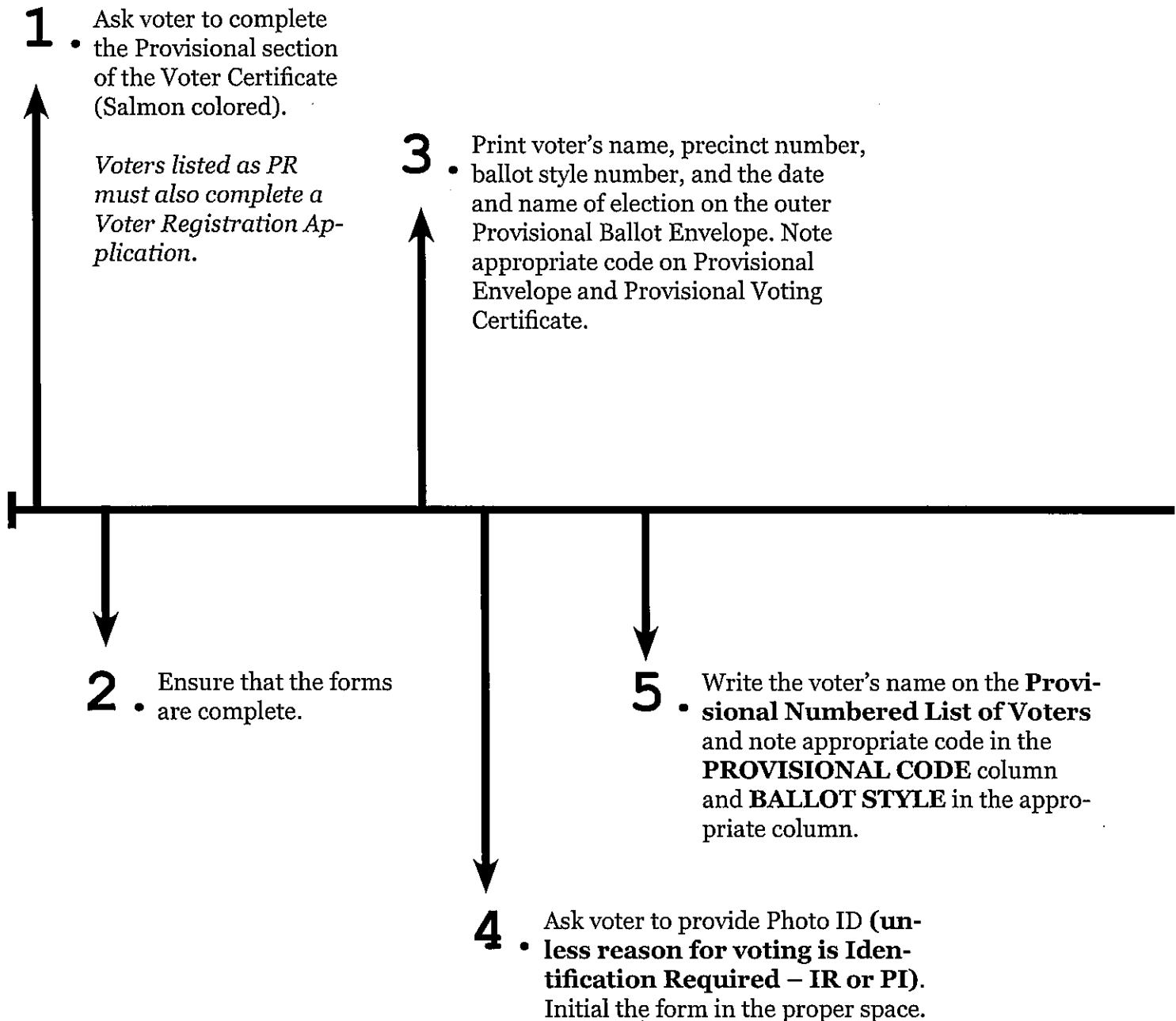
Out of Precinct

V

Person who did not verify

Provisional

Provisional for Issuing a Provisional Ballot



- 6 .** Give the Provisional Ballot to the voter and write the ballot number on the **Provisional Voter Certificate** in the space provided.

- 8 .** After the voter has cast the provisional ballot, provide the voter with written contact information so the voter will be able to determine whether the ballot was counted and, if the ballot was not counted, the reason why such ballot was not counted. If a federal candidate is on the ballot, the contact information provided to the voter must include a free access system, such as a toll-free telephone number or an internet website, to receive such information.

- 9 .** Place all of the **VOTED** Provisional Ballots in the **PROVISIONAL BALLOT CONTAINER**. Place the **Numbered List of Provisional Voters** and **Provisional Recap Sheet** in the proper envelope.

Remember: you must fill out a Provisional Recap Sheet and Numbered List of Provisional Voters for persons that vote Provisional Ballots.

7 .

Hand voter the ballot and both Official Provisional Ballot Envelopes. Instruct the voter to go to the Provisional Ballot Booth to vote the ballot by filling in the ovals next to the candidate or answer of his or her choice. When finished voting, the voter will fold and insert the ballot into the inner Provisional Ballot Envelope and seal, then, insert that envelope into the outer salmon-colored envelope and seal. The voter will then insert the ballot in the Provisional Ballot Container.

- 10 .** Be sure to check that the appropriate box in the top left corner of **Numbered List of Provisional Voters** has been marked to indicate the type of election.

Provisional

Note Regarding Proof of Citizenship

With respect to Voter Registration Applicants who do not provide proof of citizenship before voting;

If a black "X" with a lavender background is in the status column in ExpressPoll, the poll worker is to have the voter contact the board of registrars. A poll officer shall not allow such an individual to cast a ballot on a DRE without the poll officer's first confirming through the board of registrars that such individual is, in fact, a United States citizen. This confirmation can take place by the poll officer reviewing the documentation provided by the individual if the poll officer has been duly sworn and trained as a deputy registrar. If the board of registrars does not or cannot confirm citizenship status, the poll officer should allow the individual to cast a provisional ballot and shall provide the individual with written contact information so the individual will be able to determine whether the ballot was counted and, if the ballot was not counted, the reason why such ballot was not counted. The poll officer should notify the poll manager that the individual must cast a provisional ballot.

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Challenged

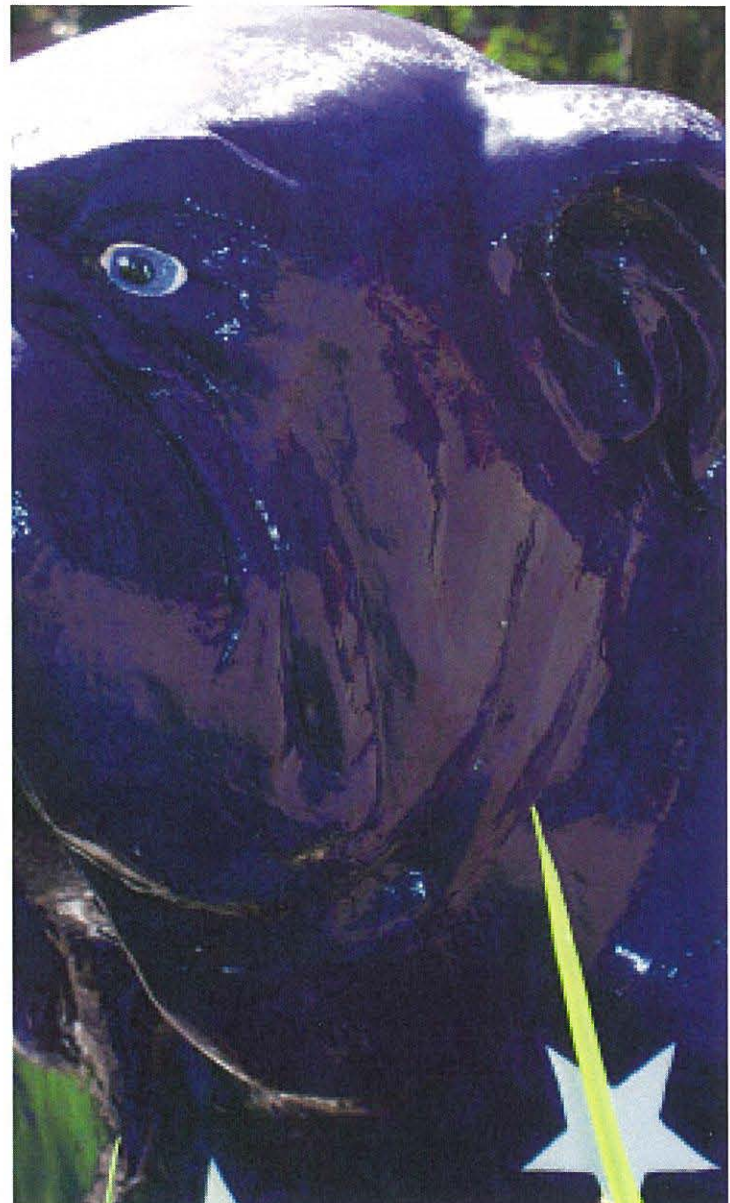
Challenged Ballots in the Code

O.C.G.A. § 21-2-230

(a) Any elector of the county or municipality may challenge the right of any other elector of the county or municipality, whose name appears on the list of electors, to vote in an election. Such challenge shall be in writing and specify distinctly the grounds of such challenge. Such challenge may be made at any time prior to the elector whose right to vote is being challenged voting at the elector's

polling place or, if such elector cast an absentee ballot, prior to 5:00 P.M. on the day before the election; provided, however, that challenges to persons voting by absentee ballot in person at the office of the registrars or the absentee ballot clerk whose vote is cast on a DRE unit must be made prior to such person's voting.

(b) Upon the filing of such challenge, the board of registrars shall immediately consider such chal-



lenge and determine whether probable cause exists to sustain such challenge. If the registrars do not find probable cause, the challenge shall be denied. If the registrars find probable cause, the registrars shall notify the poll officers of the challenged elector's precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer.

(c) If the challenged elector appears at the polling place to vote, such elector shall be given the opportunity to appear before the registrars and answer the grounds of the challenge.

(d) If the challenged elector does not cast an

absentee ballot and does not appear at the polling place to vote and if the challenge is based on grounds other than the qualifications of the elector to remain on the list of electors, no further action by the registrars shall be required.

(e) If the challenged elector cast an absentee ballot and it is not practical to conduct a hearing prior to the close of the polls and the challenge is based upon grounds other than the qualifications of the elector to remain on the list of electors, the absentee ballot shall be treated as a challenged ballot pursuant to subsection (e) of Code Section 21-2-386. No further action by the registrars shall be required.

(f) If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and the challenge is based on the grounds that the elector is not qualified to remain on the list of electors, the board of registrars shall proceed to hear the challenge pursuant to Code Section 21-2-229.

(g) If the challenged elector cast an absentee ballot and the challenge is based upon grounds that the challenged elector is not qualified to remain on the list of electors, the board of registrars shall proceed to conduct a hearing on the challenge on an expedited basis prior to the certification of the consolidated returns of the election by the election superintendent. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of Code Section 21-2-229.

(h) If the challenged elector appears at the polls to vote and it is practical to conduct a hearing on the challenge prior to the close of the polls, the registrars shall conduct such hearing and determine the



merits of the challenge. If the registrars deny the challenge, the elector shall be permitted to vote in the election notwithstanding the fact that the polls may have closed prior to the time the registrars render their decision and the elector can actually vote, provided that the elector proceeds to vote immediately after the decision of the registrars. If the registrars uphold the challenge, the challenged elector shall not be permitted to vote and, if the challenge is based upon the grounds that the elector is not qualified to remain on the list of electors, the challenged elector's name shall be removed from the list of electors.

and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of Code Section 21-2-229.

(i) If the challenged elector appears at the polls to vote and it is not practical to conduct a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently find that a decision on the challenge cannot be rendered within a reasonable time, the challenged elector shall be permitted to vote by casting a challenged ballot on the same type of ballot that is used by the county or municipality for provisional ballots. Such challenged ballot shall be sealed in double envelopes as provided in subsection (a) of Code Section 21-2-419 and, after having the word "Challenged," the elector's name, and the alleged cause of the challenge written across the back of the outer envelope, the ballot shall be deposited by the person casting such ballot in a secure, sealed ballot box notwithstanding the fact that the polls may have closed prior to the time the registrars make such a determination, provided that the elector proceeds to vote immediately after such determination of the registrars. In such cases, if the challenge is based upon the grounds that the challenged elector is not qualified to remain on the list of electors, the registrars shall proceed to finish the hearing prior to the certification of the consolidated returns of the election by the election superintendent. If the challenge is based on other grounds, no further action shall be required by the registrars. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors

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Challenged

Procedure for Issuing a Challenged Ballot

1. Verify that the voter has signed the Voter's Certificate.

3. Write "Challenged" on the bottom of the Provisional Section of the Voter's Certificate.

2. Verify that the voter completed the Provisional Voter Section on the back of the certificate.

On the Official Provisional Ballot, you must:

4.
 - Mark the type of election.
 - Write "CHALLENGED" as big as possible on the bottom of the colored section.

- Write the voter's name and your precinct name or code.

- Add the ballot style or district combo on the ballot to be issued.

- Write today's date and time.

- 6.** While the voter is voting:
- Write the ballot stub number on the Voter's Certificate.
 - On the Numbered List of Provisional Voters write:
 - The voter's name
 - The code "CHAL"
 - The District Combo, numbering each voter sequentially
 - Place the Voter's Certificate on the provisional spindle/binder.

- 7.** When finished voting, the voter drops the sealed salmon ballot envelope into the orange Provisional Ballot Bag.

- 9.** Hand the Voter an "I Voted" sticker and thank the voter for voting.

- 8.** Hand the voter the about the challenged ballot information sheet.

5.

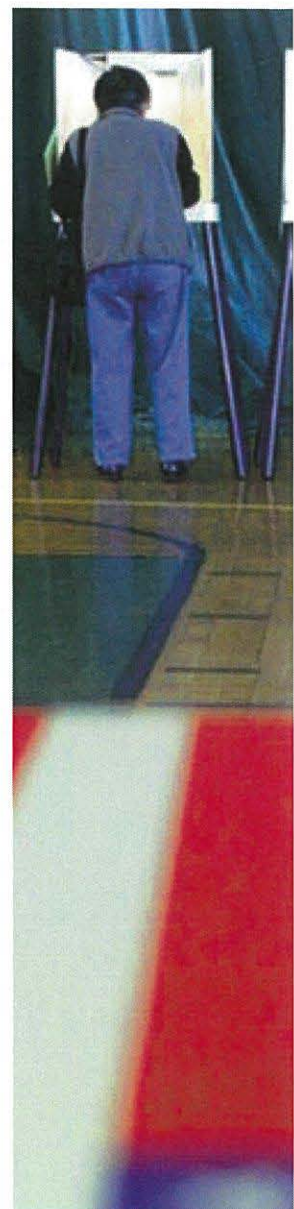
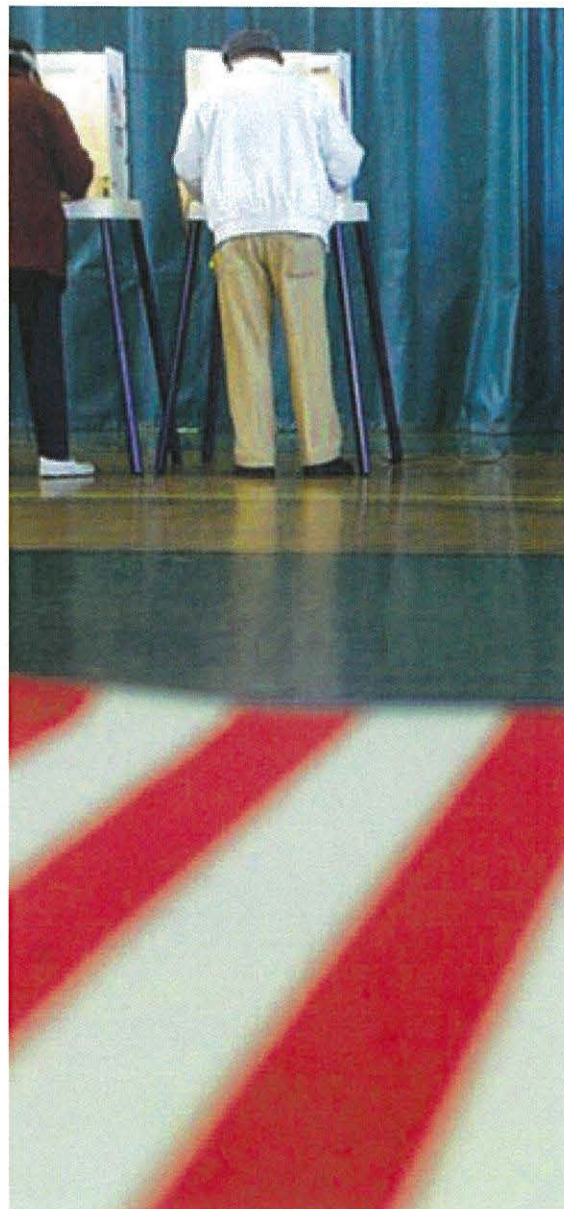
Issue the correct optical scan ballot for the voter's District Combo. Detach the ballot from the pad, leaving the stub attached to the pad. Give the voter the following instructions:

- "Take the ballot to the voting booth. Vote your ballot by filling in the ovals next to the candidate or question of your choice."
- "Fold your ballot to fit into the white envelope."
- "Put your ballot into the smaller white envelope and seal it. Put that envelope into the larger salmon-on envelope and seal it. Put only the voted ballot into the salmon Provisional Ballot Envelope."

Close of Polls

The Georgia Code mandates that the polls close at 7:00 PM Eastern Standard Time or Eastern Daylight Time.

This does not apply to the municipal elections for the City of Atlanta, pursuant to O.C.G.A. § 21-2-403.



This section reviews the procedures for closing the polls.

Also provided in this section, you will find the paperwork you must fill out before you leave the polling place.



Close of Polls

Declaring the Close

7:00 PM

At 7:00 PM, the Poll Manager publicly declares, "The poll is closed." Any voter(s) in line at 7:00 PM must be allowed to vote. Position a Poll Officer at the end of the line to ensure that anyone arriving after 7:00 PM is NOT allowed to vote. However, poll hours may be extended upon court order.

This does not apply to the municipal elections for the City of Atlanta, pursuant to O.C.G.A. § 21-2-403.

O.C.G.A. § 21-2-379.11

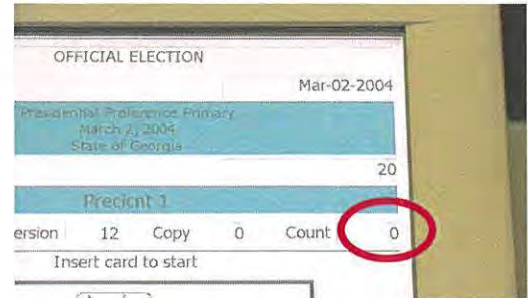
After the polls have closed and all voting in the precinct has ceased, the poll manager shall shut down the DRE units and extract the election results from each unit.

Prior to shutting down the Touchscreen units, record the "After Polls Close COUNT NUMBER" on the Express Poll Recap and the Direct Record Electronic Voting Machine Recap.

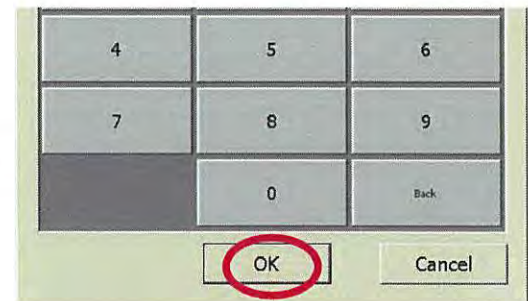
Close of Poll

Closing Procedure for the Voting Unit

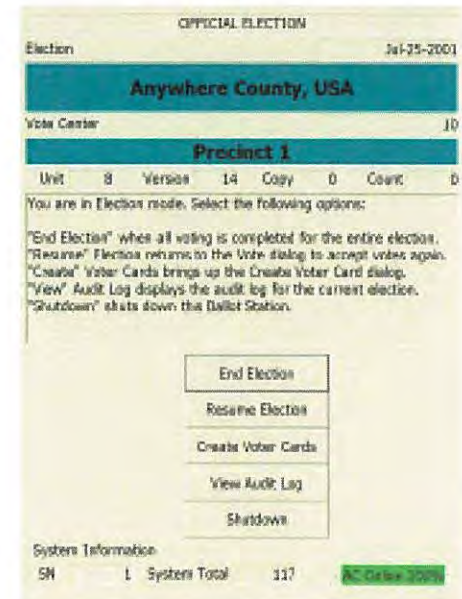
1. Verify the Touchscreen unit Number and record the After Polls Close COUNT NUMBER from each Touchscreen unit on the correct line of the Direct Record Electronic Voting Machine Recap Sheet.



2. Open the sealed envelope containing your Supervisor Card. Insert the Supervisor Card. Enter the password. The password will appear as asterisks on the screen. Touch the OK button.



3. Remove the Supervisor Card when prompted. This screen should appear.



4. Press End Election. You will see this warning.

Press OK and proceed.

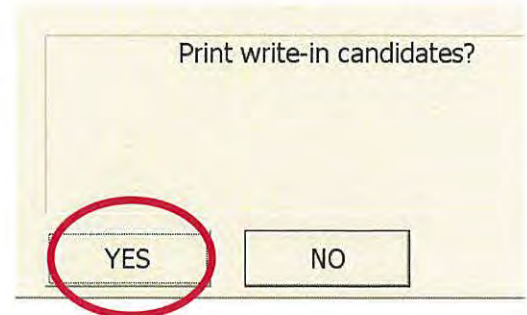
Warning: This will completely end the voting process for this election. No more votes can be cast after this point.
Press Ok to proceed or Cancel to exit



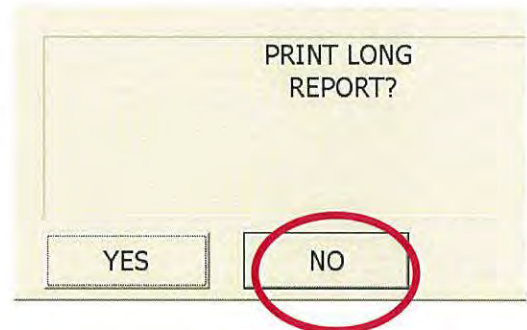
5. Unlock and remove the printer cover.

When the “Print Write-in candidates?” screen appears, touch the YES box.

Note: In a Primary Election, or if no Write-in votes were cast on this particular machine, this option will not be given and proceed to the next step

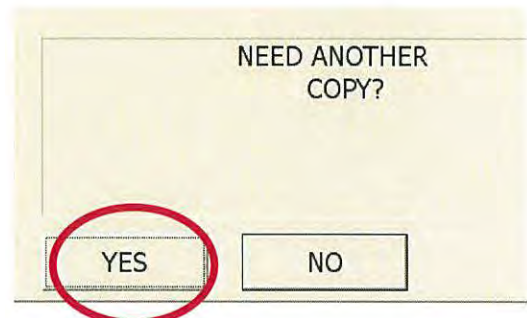


6. When the “PRINT LONG REPORT?” Screen appears, press no.



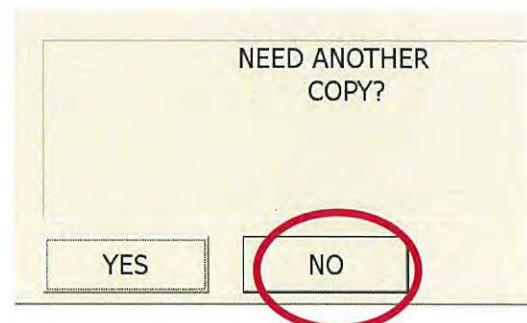
7. When printing is finished and the screen reads “NEED ANOTHER COPY?”, press YES twice.

You will have (3) tapes for each unit when finished, (1) with zero's and (2) without.



8. When the screen reads NEED ANOTHER COPY?, press NO. Turn the Unit Off.

Remove the memory card and repeat the above steps on each unit.



Close of poll

ExpressPoll Closing Procedures

1. Touch the Return to Main button.

2. At the top of the screen, touch the Test and Lists tab.

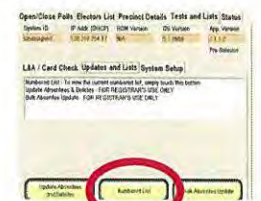
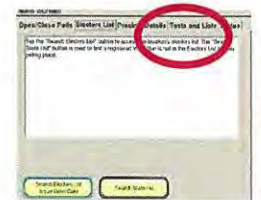
3. In the center of the screen, touch the Updates and Lists tab.

4. Touch the Numbered List button at the bottom of the page.

5. Record the number displayed next to Voter Totals on the ExpressPoll Re-cap sheet. Both units should be showing the same number.

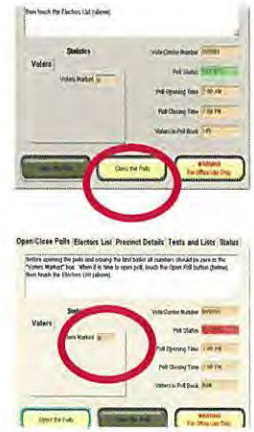
6. Touch the Close button at the bottom of the screen.

7. At the top of the screen, touch the Open/Close Polls tab.



8. Touch the Close Polls button at the bottom of the screen. The poll status field will update from OPENED to CLOSED.

9. Record the Voters Marked number on the ExpressPoll Recap sheet. Both units should be the same.



ExpressPoll Recap Sheet

USE BALL POINT PEN
Bear down - You Are Making Three Copies

Election Date: _____ Precinct Name: _____

WHITE Sheet to Secretary of State
YELLOW Sheet to Election Superintendent
PINK Sheet to Clerk of Superior Court

Case Serial # _____ Red Opening Seal # _____ Case Serial # _____ Red Opening Seal # _____
Case Serial # _____ Red Opening Seal # _____ Case Serial # _____ Red Opening Seal # _____
Unit Serial # _____ Unit Serial # _____ Unit Serial # _____ Unit Serial # _____
Unit Serial # _____ Unit Serial # _____ Unit Serial # _____ Unit Serial # _____

The List of Electors for the precinct listed above and contained on these ExpressPoll units has been reviewed by the _____ County Registrar's office and has been found to be correct.

Signature: _____ Date: _____ Signature: _____ Date: _____

FOR USE ON ELECTION DAY BY POLL WORKERS: Use Only One ExpressPoll Unit To Complete This Section

	Opening	Closing
A. Time		
B. Total number shown on ExpressPoll "Voter's Marked"		
C. Total number shown on ExpressPoll Numbered List (B and C should be the same)	Total Voters: _____ Democratic: _____ Republican: _____ General/Special: _____	Total Voters: _____ Democratic: _____ Republican: _____ General/Special: _____
D. Total number of voters marked on the Supplemental Elector's List		
E. Total number shown on Supplemental Numbered List (D and E should be the same)	Total Voters: _____ Democratic: _____ Republican: _____ General/Special: _____	Total Voters: _____ Democratic: _____ Republican: _____ General/Special: _____
F. Add Closing B + Closing D (Enter this number on the DRE Recap, Section D, Number 2)		
G. Add Closing C + Closing E (Enter this number on the DRE Recap, Section D, Number 3)		
F and G should be the same		
Comments: (If the numbers above do not match or balance as expected, please explain.)		

Case Serial # _____ Blue Seal # _____ Case Serial # _____ Blue Seal # _____

Case Serial # _____ Blue Seal # _____ Case Serial # _____ Blue Seal # _____

We, the undersigned Managers, hereby certify that the above is a true and correct account on this _____ day of

_____, 20____

Poll Manager Signature: _____

Assistant Manager Signature: _____ Assistant Manager Signature: _____

Form #RS-EXP-10

Close of Poll

On all ExpressPoll Units

1 • Remove the AC power cord from the units.

2 • Turn the battery switch on the back of the unit to the OFF position. The unit will now be off.

3 • Remove the orange network cord from both units. (If you cannot remove the orange cord, leave the cord attached to both units.)

4 • Unplug the bar code scanner and store appropriately.

5 • Place AC cords, orange network cords, and the units in the case. When handling the units, make sure that you lift and carry the unit by its base. If the unit is handled only by the touch screen, you may cause the unit to malfunction.

6 • Close and seal the case.

7 • Record the closing seal number for the case on the ExpressPoll Recap sheet.



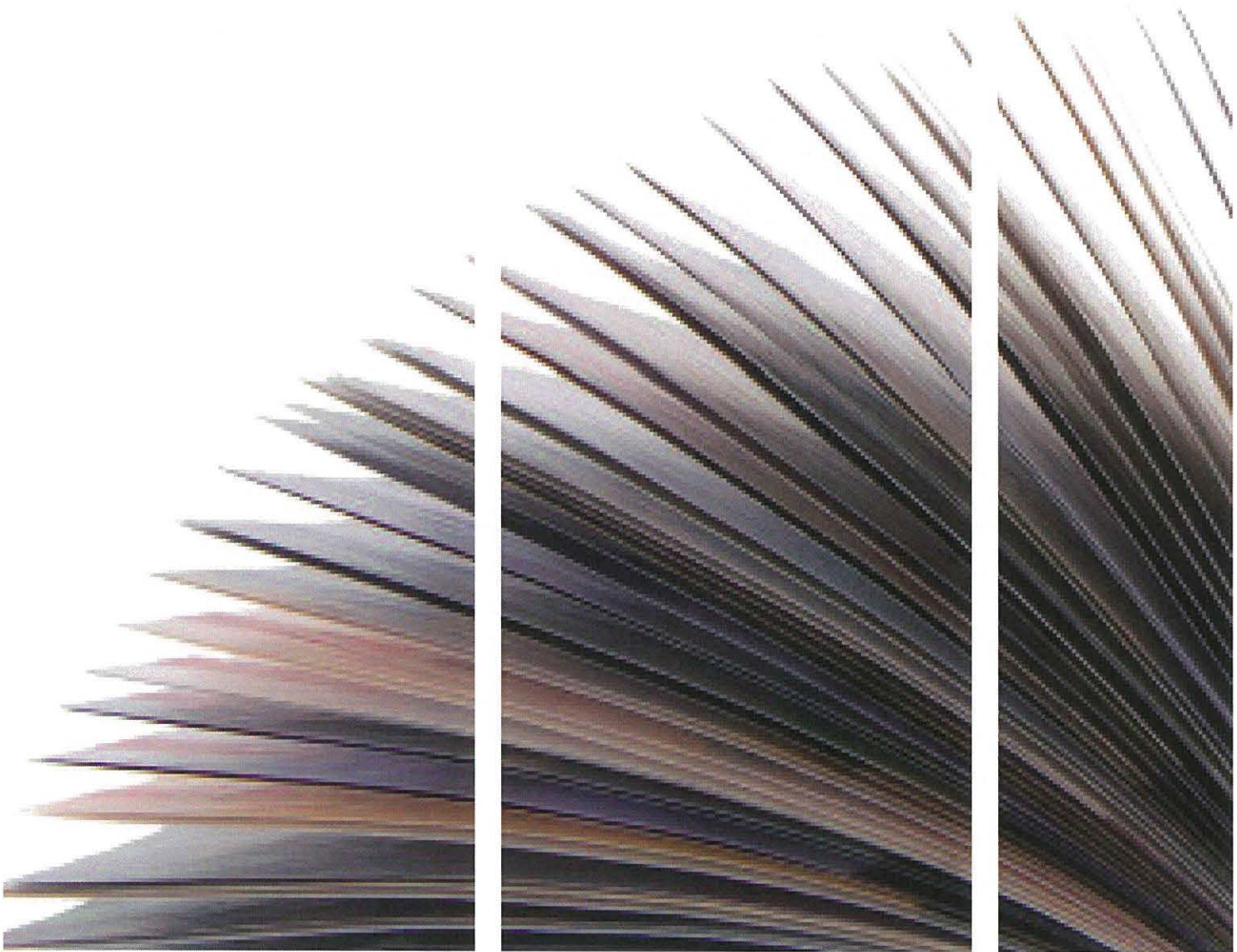
Remember

When closing the polls, please remember to:

1. Print precinct number in precinct block or line on Voter's Certificate binder cover.
2. Stack the Voter's Certificates in the binder in lots of 100.
3. Place binders of 100 Voter's Certificates in envelope provided.

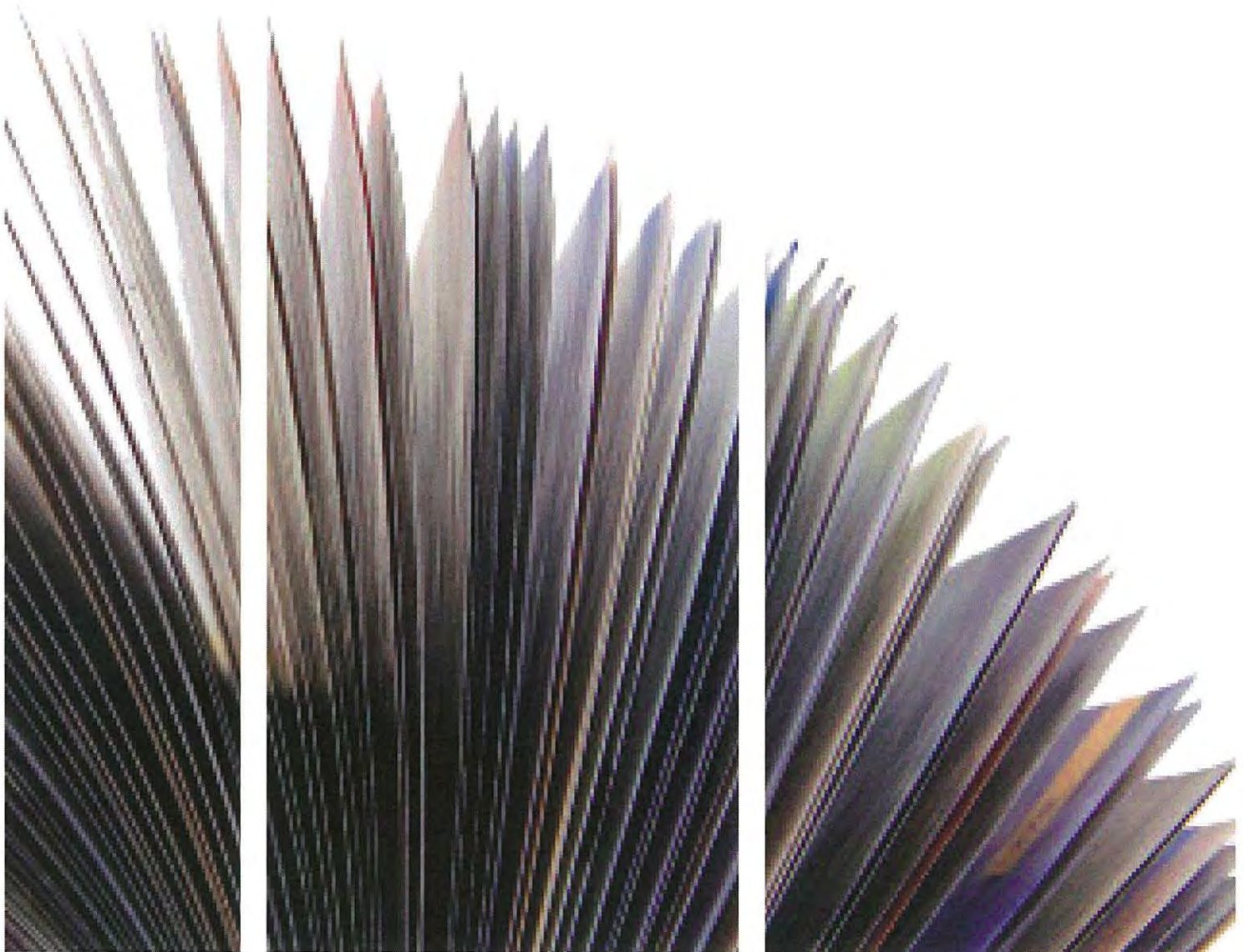
Paperwork

After the last voter exits the polling place, you may complete the appropriate paperwork.



There are three types of forms that must be completed on election night: the ExpressPoll Recap Sheet, the Direct Record Electronic Voting Machine Recap Sheet, and the Provisional Ballot Recap Sheet.

These forms are completed before the polls open and after the polls close.



Paperwork

Completing the ExpressPoll Recap Sheet

1. Write the election date and precinct name at the top of the sheet.



2. Complete the blanks detailing the case serial numbers, red opening seal numbers, and the unit serial numbers.



3. Clearly fill out the remaining blanks on the sheet.



4. The manager and assistant manager must then sign and date the form.



ExpressPoll Recap Sheet

USE BALL POINT PEN
 Bear down - You Are Making Three Copies

WHITE Sheet to Secretary of State
 YELLOW Sheet to Election Superintendent
 PINK Sheet to Clerk of Superior Court

Election Date: _____ Precinct Name: _____

Case Serial # _____ Red Opening Seal # _____ Case Serial # _____ Red Opening Seal # _____

Case Serial # _____ Red Opening Seal # _____ Case Serial # _____ Red Opening Seal # _____

Unit Serial # _____ Unit Serial # _____ Unit Serial # _____ Unit Serial # _____

Unit Serial # _____ Unit Serial # _____ Unit Serial # _____ Unit Serial # _____

The List of Electors for the precinct listed above and contained on these ExpressPoll units has been reviewed by the

_____ County Registrar's Office and has been found to be correct.

Signature: _____ Date: _____ Signature: _____ Date: _____

FOR USE ON ELECTION DAY BY POLL WORKERS: Use Only One ExpressPoll Unit To Complete This Section

	Opening	Closing
A. Time		
B. Total number shown on ExpressPoll "Voter's Marked"		
C. Total number shown on ExpressPoll Numbered List (B and C should be the same)	Total Voters: _____ Democratic: _____ Republican: _____ General/Special: _____	Total Voters: _____ Democratic: _____ Republican: _____ General/Special: _____
D. Total number of voters marked on the Supplemental Elector's List		
E. Total number shown on Supplemental Numbered List (D and E should be the same)	Total Voters: _____ Democratic: _____ Republican: _____ General/Special: _____	Total Voters: _____ Democratic: _____ Republican: _____ General/Special: _____
F. Add Closing B + Closing D (Enter this number on the DRE Recap, Section D, Number 2)		
G. Add Closing C + Closing E (Enter this number on the DRE Recap, Section D, Number 3)		
F and G should be the same		
Comments: (If the numbers above do not match or balance as expected, please explain.)		

Case Serial # _____ Blue Seal # _____ Case Serial # _____ Blue Seal # _____

Case Serial # _____ Blue Seal # _____ Case Serial # _____ Blue Seal # _____

We, the undersigned Managers, hereby certify that the above is a true and correct account on this _____ day of

_____, 2 _____

Poll Manager Signature: _____

Assistant Manager Signature: _____ Assistant Manager Signature: _____

Form #RS-EXP-10

Paperwork

Completing the DRE Voting Machine Recap Sheet

Section A

1. Prior to shutting down the Touchscreen units, record the "After Polls Close COUNT NUMBER".
2. Once all tapes are run and the Memory Cards removed, turn off Touchscreen unit and close and lock both compartments. Close lid and record the "After Polls Close SEAL NUMBER". Write Seal Number in the appropriate column.

Section B

3. Total all unit count numbers and record on this line.

Section C

4. Enter numbered lists of voters for ExpressPoll and Supplement and enter the number of voter certificates. Enter the numbers for either the Democratic and Republican Primary or General/Special election. Total all the numbers for each category.

Section D

5. Line 1: Enter the total number voting from the top of the first printed results from the accumulator of the Accumulator Results Tape.

If NOT ACCUMULATING in the precinct, total each vote cast from the results tape on line 1.

6. Line 2: Enter the total number voting from the Numbered List of Voters (as noted on ExpressPoll).
7. Line 3: Enter the total number marked from the Electors' List (ExpressPoll).
8. Line 4: Enter the total number of completed voter certificates.

If Line 1, 2, 3, and 4 Do Not Equal, Write Explanation on line Provided

9. The Manager and both Assistant Managers must sign and date the form.
10. PLACE COMPLETED RECAP SHEETS IN THE PROPER ENVELOPE.
11. Secure Touchscreen units at Polling Place for pick-up or return Touchscreen units as directed by your local elections office.

90

Paperwork

Completing the Provisional Ballot Recap Sheet

Note: Even if you have no provisional ballots, you must complete a Provisional Ballot Recap showing zeros on A - H.

- 1 .** Complete the information at the top of the form.
- 2 .** Remove the provisional voted ballots from the secure, sealed Provisional Ballot container.
- 3 .** Count and enter this number on Line F of the Provisional Ballot Recap Sheet.
- 4 .** Return ballots to the secure, sealed Provisional Ballot container.

Only voted Ballots are to be placed in the secure, sealed Provisional Ballot container. Voter Registration Applications and certificates are to be placed in the SALMON-colored envelope.

Section I

- 5 .** Line A: Enter the number of provisional voter's certificates contained in the binders.
- 6 .** Line B: Enter the number of names listed on the provisional numbered list of voters.
- 7 .** Line C: Enter the number on the stub of the last provisional ballot issued.
- 8 .** Line D: Enter the number of spoiled provisional ballots.

Section II

- 9 .** Line E: To determine the number of unused ballots, enter the serial number of the next ballot that would have been issued on Line (a); Line (b) will be the number of the last ballot in the last pad of ballots (This number has been entered for you). To determine the number of unused ballots, subtract (a) from (b) and add "1". Enter the resulting number on Line E.
- 10 .** Line F: Total number of provisional ballots cast.
- 11 .** Line G: Total sum from box D, E, and F.
- 12 .** Line H: Total number of Provisional Ballot received from Superintendent.

ELECTION: ☐ Presidential Preference Primary ☐ Nonpartisan
(Check One) ☐ Primary ☐ Runoff
☐ General ☐ Special

DATE OF ELECTION _____

COUNTY / MUNICIPALITY _____

PRECINCT _____

SEAL NUMBER at pick-up _____

SEAL NUMBER at delivery _____

USE BALL POINT PEN

WHITE COPY TO SECRETARY OF STATE
PINK COPY TO CLERK OF SUPERIOR COURT / CITY CLERK
YELLOW COPY TO SUPERINTENDENT
GOLDENROD COPY TO BE POSTED AT PRECINCT

PROVISIONAL / CHALLENGED BALLOT RECAP

SECTION I	SECTION II	SECTION III																																																																																															
NUMBER OF PERSONS VOTING <ul style="list-style-type: none"> Total number of provisional voter certificates in Binders: <input type="text" value="A"/> Total number of names on Provisional Ballot Numbered List of Voters: <input type="text" value="B"/> <p>NOTE: Boxes A and B should be the same; if not, re-count and/or look for errors</p> <ul style="list-style-type: none"> Total number of used Provisional Ballot Stubs: <input type="text" value="C"/> Total number of Spoiled Provisional Ballots: <input type="text" value="D"/> <p>⇒ Subtract D from C. It should equal box F in Section III.</p>	UNUSED BALLOT RECAP <ul style="list-style-type: none"> Total number of ALL UNUSED Provisional Ballots <p>NOTE: For each District Combo (DC) # listed subtract the first ballot stub number from the last ballot stub number and add 1; enter sum of all subtotals in box E.</p> <p>Unused DEMOCRAT Ballots</p> <table border="1"> <thead> <tr> <th>DC#</th> <th>Last stub#</th> <th>First stub#</th> <th>Add 1</th> <th>Subtotal</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> </tbody> </table> <p>Unused REPUBLICAN Ballots</p> <table border="1"> <thead> <tr> <th>DC#</th> <th>Last stub#</th> <th>First stub#</th> <th>Add 1</th> <th>Subtotal</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> </tbody> </table> <p>Unused NONPARTISAN/SPECIAL Ballots</p> <table border="1"> <thead> <tr> <th>DC#</th> <th>Last stub#</th> <th>First stub#</th> <th>Add 1</th> <th>Subtotal</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td>+ 1</td><td> </td></tr> </tbody> </table> <p>Total sum of ALL UNUSED Provisional Ballots: <input type="text" value="E"/></p>	DC#	Last stub#	First stub#	Add 1	Subtotal				+ 1					+ 1					+ 1					+ 1					+ 1					+ 1		DC#	Last stub#	First stub#	Add 1	Subtotal				+ 1					+ 1					+ 1					+ 1					+ 1					+ 1		DC#	Last stub#	First stub#	Add 1	Subtotal				+ 1					+ 1					+ 1					+ 1		TOTAL BALLOT RECAP <ul style="list-style-type: none"> Total number of provisional Ballots Cast: <input type="text" value="F"/> <p>NOTE: Box F should match the total number of salmon envelopes containing cast Provisional / Challenged ballots, located in the ballot box.</p> <ul style="list-style-type: none"> Total sum from box D, E, & F: <input type="text" value="G"/> Total Number of Provisional Ballots Received from Superintendent: <input type="text" value="H"/> <p>NOTE: Box G should equal H; if not equal, re-count and/or check for errors.</p> <p>If second count or correction of error(s) does not correct the count, record difference here and explain below where indicated: <input type="text"/></p>
DC#	Last stub#	First stub#	Add 1	Subtotal																																																																																													
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Explain difference: _____

We, the undersigned Managers, hereby certify that the above is a true and correct accounting on this the _____ day of _____, 20____

Manager

Assistant Manager

Assistant Manager

RS-PRB-14

THIS RECAP SHEET NEEDS TO BE COMPLETED, DATED, AND SIGNED EVEN IF ZERO PROVISIONAL BALLOTS ARE CAST.

Troubleshoot

You may experience technical difficulties during your time as a poll worker.



This section will serve as your troubleshooting guide throughout the elections process.

If you experience any difficulties that are not covered in this guide, please contact your poll manager or local elections office.



Troubleshoot

Before the Polls Open

What if nothing happens after I push the red button to turn the unit on?

Check to see if the power cord is firmly attached and in place on the side of the Touchscreen unit.

Also, check the power cord in the back left corner of the Touchscreen unit. If there is still no response, call your local elections office.



What if there is no power cord in the unit?

Prepare the unit for voting and call your local elections office to get one delivered. The unit can run on backup battery power until the replacement cord arrives.

What if a message comes up that says, “Please insert the election media or a security key card”?

Make sure the memory card is fully inserted. With the security door open, push the memory card firmly into the slot.

What if the unit fails to print a Zero Report?

Check that the printer lever is down (a gray “backward L” shaped lever to the right of where the paper comes out). If it is, check the paper roll and make sure it is installed correctly. Turn the unit off and then turn it back on. If it still doesn’t print, call your local elections office.



What if there is any other name of a precinct or polling location on the ballot screen other than what you know is supposed to be on the unit?

Turn the unit off and call your local elections office.

Troubleshoot

The Electors List

1. If the Electors List indicates a Voter was issued or received an Absentee Ballot ("AB" in the corresponding column) and the voter **does not have** the absentee ballot, instruct the voter to appear in person at the Registrar's Office to request to have their absentee ballot cancelled. They will receive written authorization from the Registrar's Office to vote in person, which they will bring back to the poll. A registrar or deputy registrar can also handle this process at the polling place.

Find Voter in Roster 204

Find voter by typing in part or all of the last name. If found, begin ballot issuance by touching the voter's name. If not found, touch the "Voter Not Found/Search State List" button.

Name	Address	Birth Date	Status	IDR	Issued
EADDY MARGUERITE W	834 CHURCHILL CT STONE MOUNTAIN 30083-	7-8-1951	A		
EADDY PHILLIP	834 CHURCHILL CT STONE MOUNTAIN 30083-	10-1-1951	A		Ab Voter
EADIE PAUL RICHARD JR	5100 W MOUNTAIN ST Apt: Q-304	01-01-1981	V		
EAKINS-PERSON SHARON	1150 RANKIN ST Apt: A-3 STONE MTN 30083-	11-11-1957	I		
EARLYCUTT JOSEPH E	5453 MASON LN STONE MTN 30083-	11-11-1937	I		

Last Name: First: 3714 Voters in Poll Book

Q	W	E	R	T	Y	U	I	O	P	-
A	S	D	F	G	H	J	K	L	'	back
Z	X	C	V	B	N	M	space	clear		

Voter Not Found
Search State List

Go Back to
Main Screen

2. If the Electors List indicates a Voter was issued or received an Absentee Ballot (AB in any of the columns) and voter has their intact absentee ballot, they may surrender the absentee ballot to the poll official.

- Pursuant to O.C.G.A. § 21-2-388, write CANCELLED and the date and time across the face of the absentee ballot and initial. Return the cancelled ballot with election supplies.

- Locate the voter's name on ExpressPoll. Touch the voter's name and follow the process of removing an AB voter mark outlined in the ExpressPoll manual.

- Once the AB voter mark has been removed from ExpressPoll, touch the voter's name and go through the normal process of issuing a Voter Access Card and directing the voter to an open voting unit.

Troubleshoot

The Electors List

3. Person Not On Electors List.

- Double-check the spelling of the name or if name is hyphenated.
- After double-checking, use ExpressPoll's statewide search to see if the voter is assigned to another voting precinct.
- If this search is successful, provide the voter with the name and location of their assigned precinct and give the voter the option to vote at that location or to vote provisionally. If after using the statewide search no record of the voter is found, review the Supplemental Electors List (if provided).
- A Supplemental Electors List contains names of voters added to the precinct Elector's List late, and thus not present on the list displayed by ExpressPoll.
- If a voter's name is found on the Supplemental Electors List, use ExpressPoll to encode a Voter Access Card for this voter and mark their name as voted on the Supplemental Electors List.
- Then record their name on a Supplemental Numbered List of Voters.
- If the voter's name cannot be found on a Supplemental Electors List, notify the Poll Manager.

No person should be turned away. Always contact the Registrar's Office.

No person should be written in the Electors List without authorization. See additional information regarding Provisional Voting in this manual.

4. IDR is next to the Elector's Name.

- This voter is required to provide current and valid identification prior to proceeding with the registration process and voting in the precinct.
- This voter may show a utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter in addition to the six forms of photo identification provided in O.C.G.A. § 21-2-417.
- If a voter listed as IDR cannot produce the appropriate form of identification the voter shall be directed to the provisional voting station.

Troubleshoot

Converting Touchscreen Unit in Election Mode to Card Creating Unit

The following are the steps suggested when needing to convert a TouchScreen unit in election mode to a voter access card creating unit in the precinct. These steps would be followed if the ExpressPolls within the precinct failed and were not able to create Voter Access Cards.

1. Select one of the TouchScreen voting units in the precinct.
2. Record the TouchScreen unit serial number and note on the DRE Recap sheet at what time the unit was converted to a card creating unit.
3. Record on the DRE Recap sheet the public count on the unit as well as the system total, located at the bottom of the unit's screen.
4. Insert a green Supervisor Card and enter the password.
5. At next screen, touch the Create Voter Card button.
6. The Create Voter Access Card screen will be displayed.
7. To create a voter access card, select the precinct that matches the voter's district combo by touching the corresponding area.
8. If a primary scenario, now select the desired Party needed by touching the corresponding area.
9. Now touch the Create Card button located at the bottom right corner of the screen.
10. Insert a Voter Access Card into the TouchScreen unit.
11. The Voter Access Card will eject when it has written the desired information to the card.
12. Remove the Voter Access Card; it now contains the information needed to bring up the desired ballot style on another TouchScreen unit.
13. When done using the unit as a card creating unit, touch the Close button located at the bottom left corner of the screen.
14. Record the time the TouchScreen unit exited the Card Create screen and again record the Public Count and System Total numbers on the DRE Recap sheet. These numbers should be unchanged from when the unit was converted to a card creating unit.
15. DO NOT return the TouchScreen unit back voting mode.
16. The unit can now be turned off, or IF the polls have closed, the End Election button can be touched and the normal closing procedures followed.

Troubleshoot

The Voting Unit

Key will not open compartment doors.

Be sure that the key is inserted all the way.

The printout for the zero report (or the results report) wrapped around itself or became jammed.

There is a gray “backward L” shaped lever to the right of where the paper comes out. Pull the lever toward you to release the paper. Remove the end of the paper from behind and straighten. Push the gray lever back to the horizontal position. You may reprint if necessary. If you need to feed the paper back into the printer, release the gray lever. Insert paper under the black roller and feed until it appears through the top.

The screen has gotten dirty or smudged.

Use the cloth provided and ONLY the cloth provided to wipe the screen clean. Use the cloth dry - do not put any liquid on the screen or the cloth.

What if the voter puts the Voter Access Card into the Touchscreen unit and “Invalid Card” appears on the screen?

Check to see that the Voter Access Card was properly inserted with the gold medallion end inserted first and face up. If the Voter Access Card was improperly inserted, have the voter insert the card properly. If it was inserted properly, retrieve the Voter Access Card and activate another Voter Access Card for the voter. Set that card aside with a note – DO NOT USE.

You made a mistake entering the password.

Press “Cancel.” The supervisor card will be ejected. Remove it and reinsert it. Enter the password again. Remember the password will show up as asterisks.

You pressed OK to end the election but it does not go to the screen to print the results.

The screen should say “Turn unit off or press OK to resume.” Touch OK. Reinsert supervisor card and continue with closing instructions beginning at the point where you enter the password. This time be sure to touch “End Election” instead of OK.

What if the printer jams before Total Report was printed?

Let the printer finish printing. Un-jam the paper (see instructions on previous page) and reprint the report.

Troubleshoot

The Voting Unit

What if a unit that has votes on it goes down during the day, but the unit will not power-up to generate results tape?

CALL YOUR LOCAL ELECTIONS OFFICE BEFORE COMPLETELY CLOSING ALL UNITS.

What if a unit does not power up at the opening of the poll and has not been used at all during the election, what do I do with the memory card that was in the unit?

CALL YOUR LOCAL ELECTIONS OFFICE BEFORE COMPLETELY CLOSING ALL UNITS.

Troubleshoot

Common Questions

What if a voter does not have the Voter Access Card at the Exit Area?

Instruct the voter to return to the Touchscreen unit upon which he or she voted to retrieve the Voter Access Card.

What if voter says the Voter Access Card was not returned to them?

Instruct the voter to return to the Touchscreen unit to ensure that the voter pressed the CAST BALLOT button. The Voter Access Card will eject and can be returned.

What if a Voter Access Card is not ejected once a voter has cast the ballot?

Turn the unit off, and then turn it back on; the Voter Access Card should be ejected. If it does not, lower the screen, turn the unit off, and call your local elections office.

What if a voter inserts a Voter Access Card and the unit rejects the card?

Re-program the Voter Access Card using the ExpressPoll and accompany voter to the unit. Wait until you see ballot loading then leave.

What if the voter puts the Voter Access Card into the Touchscreen unit and “Invalid Card” appears on the screen?

Check to see that the Voter Access Card was properly inserted with the gold medallion end inserted first and face up. If the Voter Access Card was improperly inserted, have the voter insert it properly. If it was inserted properly, retrieve the Voter Access Card and activate another Voter Access Card for the voter. Set that Voter Access Card aside with a note - DO NOT USE.

What if the unit goes black (turns off) while someone is voting?

Lower the screen and check the plug and power cord. If the unit is properly plugged in, try turning it on again. If it does not power on, take the unit out-of-service and call your local elections office. Then issue the voter a new Voter Access Card and direct the voter to a working unit. If the voter did not touch Cast Ballot, none of the votes were yet recorded.

What if the screen on a unit suddenly goes dark, whether there was a voter in the booth at the time or not?

Check power cord first. If the unit is plugged in properly, try turning it on again. If it does not power on, lower screen and call the local elections office.

Troubleshoot

Commons Questions

What if power goes out in the polling location?

Power off half of your units and try to determine how long the outage will last. Notify your local elections office immediately so that they can monitor the situation. Continue to allow voters to vote on the units that are operating on battery. If those units run out of power, close them and open the ones that were turned off earlier to continue voting.

What if the instruction or voting screen on a unit is wavy or distorted?

Lower the screen, power it off and then back on. If the screen is still wavy, turn it off and call your local elections office.

What if a voter walks out of the voting booth and leaves the Poll without touching the cast ballot button?

The poll manager is to cancel the ballot following the directions for “Canceling A Voter’s Ballot.” DO NOT TOUCH “CAST BALLOT.”

What if the audio does not work on the unit that the keypad and headphones are plugged into?

Try adjusting the volume. If that does not work, cancel the ballot, connect the keypad and headphones to another unit, and direct the voter to that unit. The voter’s Voter Access Card should still be activated since the Cast Ballot button was not touched on the other unit.

Troubleshoot

Uncommon Situations During Registration & At the Touchscreen

Absentee Voter Appears at the Poll and Desires to Vote in Person:

IF VOTER HAS AN ABSENTEE BALLOT:

- a) Write CANCELLED, the date and time, and initial the face of the absentee envelope. Return the cancelled absentee ballot with election supplies.
- b) Cross through the AB (or other mark according to county) opposite their name on the ELECTION'S LIST and mark them as voting.
- c) Instruct the voter to then go through the normal procedures of voting.

IF THE VOTER DOES NOT HAVE THE ABSENTEE BALLOT:

Instruct the voter to appear in person at the Registrars Office to request to have the absentee ballot cancelled. The voter will receive written authorization from the County Registrar to vote in person which the voter must bring back to the poll.

Voter Has Moved within County:

- a) Have voter complete the voter's certificate.
- b) Have voter complete a Change of Name and/or Address form in its entirety.
DO NOT ALLOW THE VOTER TO REMOVE THIS FORM FROM THE POLL.
IT MUST BE COMPLETED AT THE POLL.
- c) Inform voter that he or she will be allowed to vote at this precinct for the current election and any ensuing runoff.
- d) Inform voter that the change of address will not be processed until after the date of the runoff. A new precinct card will be mailed to the voter showing the name and location of his or her new precinct and polling place.

Voter Moved From Another County:

Voter may not vote unless registered at least 30 days prior to the election. Or in the case of a special election, no later than either the close of business on the fifth day after the date of the call for the special primary or special election. Have voter complete the Voter Registration Form and include the change of address. The Voter Registration Form will be processed when registration reopens.

Voter Changed Name:

- a) Voter must complete the voter's certificate, using his or her correct name.

- b) Voter must complete a Change of Name and/or Address section of Voter Registration Application.

The voter card will not go in:

Make sure that the voter is inserting the card in the direction of the arrow. If that is not the problem, try wiping the card off with the same cloth that is used on the screen.

Canceling a Ballot:

There may be times when it is necessary to cancel a voter's ballot:

1. When a voter has been issued a voter access card encoded with the wrong ballot style, or
2. A voter decides not to cast a ballot after inserting a voter access card and has not yet touched CAST BALLOT.

To cancel a voter's ballot, take the following steps:

1. Ask the voter to deselect any voting choices he or she has made.
2. Press the page number for 10 to 20 seconds.
3. The Cancel Ballot page will appear. The screen will read: "To cancel your ballot press the Cancel button. To resume voting press the OK button."
4. Press the Cancel button.
5. The Voter Access Card will be ejected.

If the wrong ballot style was encoded, the voter should then return the Voter Access Card to the poll worker to have it encoded correctly.

When a ballot is canceled, the returned Voter Access Card will still contain the encoded ballot style information. The ballot style information was not erased because, Cast Ballot was not touched.

Before you can use the cancelled Voter Access Card again, you must first clear the card to erase the previous voter's ballot information.

The voter decided not to vote for anything after inserting the voter card.

GEORGIA CERTIFICATION		
PRESIDENT OF THE UNITED STATES (Vote for 1) <input type="checkbox"/> Ken Alford DEM <input type="checkbox"/> Richard Blum REP <input type="checkbox"/> Tim Dooley LG <input type="checkbox"/> Chris Jeffery IND <input type="checkbox"/> Write-in	JUDGE, CIRCUIT 3 (Vote for 1) <input type="checkbox"/> Tom Taylor <input type="checkbox"/> Jim Wynn <input type="checkbox"/> Cheryl Whitley <input type="checkbox"/> Ted Skonert <input type="checkbox"/> Write-in	REFERENDUM, COUNTY WIDE Shall beer and wine be sold by the drink on Sunday? <input type="checkbox"/> YES <input type="checkbox"/> NO
REPRESENTATIVE, DISTRICT 1 (Vote for 1) <input type="checkbox"/> Tony Hall DEM <input type="checkbox"/> Ron Holey REP <input type="checkbox"/> Paul Lamb LG <input type="checkbox"/> Brenda Lake IND <input type="checkbox"/> Write-in	COUNTY COMMISSIONER (Vote for 3) <input type="checkbox"/> Mary Yarnall DEM <input type="checkbox"/> Peter Wood DEM <input type="checkbox"/> George Welch IND <input type="checkbox"/> Ernest Stone IND <input type="checkbox"/> Write-in <input type="checkbox"/> Write-in <input type="checkbox"/> Write-in	REFERENDUM, HOUSE DISTRICTS 1 AND 9 Shall Districts 1 and 9 be merged into a single district with two at-large representatives? <input type="checkbox"/> YES <input type="checkbox"/> NO
Previous Instructions 1 of 1 Next		

Have the voter touch Cast Ballot on the last screen; or if the voter has left the booth without completing the ballot, the poll manager will cancel the ballot.

The voter card will not eject.

The voter must touch the Cast Ballot button for the card to eject.



Poll Workers play a vital role in the electoral process. A Poll Worker is the last person a voter interacts with before they enter the voting booth to cast a ballot.

Thank you for serving as a Poll Worker!

If you have any questions, please contact your county elections office.

DEFENDANTS' EX. 10

§ 21-2-31. Duties of the board, GA ST § 21-2-31

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Code of Georgia Annotated
Title 21. Elections (Refs & Annos)
Chapter 2. Elections and Primaries Generally (Refs & Annos)
Article 2. Supervisory Boards and Officers
Part 1. State Election Board, County Board of Elections, and County Board of Elections and Registration
Subpart 1. State Election Board

Ga. Code Ann., § 21-2-31

§ 21-2-31. Duties of the board

Effective: June 3, 2010

Currentness

It shall be the duty of the State Election Board:

- (1) To promulgate rules and regulations so as to obtain uniformity in the practices and proceedings of superintendents, registrars, deputy registrars, poll officers, and other officials, as well as the legality and purity in all primaries and elections;
- (2) To formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections; and, upon the adoption of each rule and regulation, the board shall promptly file certified copies thereof with the Secretary of State and each superintendent;
- (3) To publish in print or electronically and furnish to primary and election officials, from time to time, a sufficient number of indexed copies of all primary and election laws and pertinent rules and regulations then in force;
- (4) To publish in print or electronically and distribute such explanatory pamphlets regarding the interpretation and application of primary and election laws as in the opinion of the board should be distributed to the electorate;
- (5) To investigate, or authorize the Secretary of State to investigate, when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney who shall be responsible for further investigation and prosecution. Nothing in this paragraph shall be so construed as to require any complaining party to request an investigation by the board before such party might proceed to seek any other remedy available to that party



§ 21-2-31. Duties of the board, GA ST § 21-2-31

under this chapter or any other provision of law;

(6) To make such recommendations to the General Assembly as it may deem advisable relative to the conduct and administration of primaries and elections;

(7) To promulgate rules and regulations to define uniform and nondiscriminatory standards concerning what constitutes a vote and what will be counted as a vote for each category of voting system used in this state;

(8) To employ such assistants as may be necessary;

(9) Subject to funds being specifically appropriated by the General Assembly, to formulate and conduct a voter education program concerning voting procedures for voting by absentee ballot and at the polls with particular emphasis on the proper types of identification required for voting; and

(10) To take such other action, consistent with law, as the board may determine to be conducive to the fair, legal, and orderly conduct of primaries and elections.

Credits

Laws 1958, p. 269, § 45; Laws 1959, p. 57, § 1; Laws 1968, p. 862, § 2; Laws 1993, p. 118, § 1; Laws 1993, p. 1670, § 1; Laws 1998, p. 295, § 1; Laws 2001, p. 230, § 2; Laws 2003, Act 209, § 2, eff. July 1, 2003; Laws 2006, Act 432, § 1, eff. Jan. 26, 2006; Laws 2008, Act 706, § 2, eff. July 1, 2008; Laws 2010, Act 615, § 10, eff. June 3, 2010.

Formerly Code 1933, § 34-202.

Ga. Code Ann., § 21-2-31, GA ST § 21-2-31

The statutes and Constitution are current through Laws 2020, Act 322. Some statute sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.

End of Document

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DEFENDANTS' EX. 11

§ 21-2-100. Training of local election officials, GA ST § 21-2-100

West's Code of Georgia Annotated

Title 21. Elections (Refs & Annos)

Chapter 2. Elections and Primaries Generally (Refs & Annos)

Article 2. Supervisory Boards and Officers

Part 4. Poll Officers (Refs & Annos)

Ga. Code Ann., § 21-2-100

§ 21-2-100. Training of local election officials

Currentness

(a) The election superintendent and at least one registrar of the county or, in counties with boards of election or combined boards of election and registration, at least one member of the board or a designee of the board shall attend a minimum of 12 hours' training annually as may be selected by the Secretary of State. The election superintendent and at least one registrar of each municipality shall attend a minimum of 12 hours' training biennially as may be selected by the Secretary of State.

(b) The basis for the minimum requirement of training shall be two calendar years.

(c) A waiver of the requirement of minimum training, either in whole or in part, may be granted by the Secretary of State, in the discretion of the Secretary of State, upon the presentation of evidence by the election superintendent, registrar, or board that the individual was unable to complete such training due to medical disability, providential cause, or other reason deemed sufficient by the Secretary of State.

(d) The cost of the training shall be borne by the governing authority of each county from county funds and by the municipal governing authority from municipal funds.

(e) A superintendent or registrar and the county or municipal governing authority which employs the superintendent or registrar may be fined by the State Election Board for failure to attend the training required in this Code section.

(f) The minimum training required under this Code section shall not apply to deputy registrars.

Credits

Laws 1994, p. 1443, § 2; Laws 1998, p. 295, § 1; Laws 1998, p. 1231, §§ 4, 28; Laws 2001, p. 240, § 5; Laws 2005, Act 53, § 11, eff. July 1, 2005.



§ 21-2-100. Training of local election officials, GA ST § 21-2-100

Ga. Code Ann., § 21-2-100, GA ST § 21-2-100

The statutes and Constitution are current through Laws 2020, Act 322. Some statute sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.

End of Document

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DEFENDANTS' EX. 12

Dorothea Parker

From: Elizabeth Tanis <beth.tanis@gmail.com>
Sent: Friday, March 27, 2020 3:26 PM
To: Josh Belinfante
Cc: Leslie Bryan
Subject: Fwd: Thank you

Josh: here's the email you requested.

Begin forwarded message:

From: Tim Mattice <tmattice@electioncenter.org>

Date: November 4, 2019 at 11:26:29 AM CST
To: "Kevin J. Kennedy" <kennedyjkevin@yahoo.com>
Subject: Thank you

Hi Kevin,

Thank you for the note. I asked my office manager for the numbers in GA at the end of our phone call and then proceeded to leave for NYC without sending them to you. I'm in NYC until Wednesday, but I asked my office to resend the number of members we have in GA and the number in the GA SOS office:

Members in GA - 34 and included in those 34, 11 members in the SOS office

I'm forwarding your CV to Ernie.

Thanks Kevin,

Tim

Tim Mattice, CERA
Executive Director

21946 Royal Montreal Drive, Suite 100
Katy, TX 77450
(p) 281-396-4309
(f) 281-396-4315
tmattice@electioncenter.org
www.electioncenter.org

-----Original Message-----

From: Kevin J. Kennedy [mailto:kennedyjkevin@yahoo.com]
Sent: Monday, November 4, 2019 8:43 AM
To: Tim Mattice <tmattice@electioncenter.org>
Subject: Thank you



Tim,

It was great to talk with you on Thursday afternoon. I appreciate the the information you provided, I look forward to information on the number of current members from Georgia.

I also appreciate being considered to be a part of your consulting services.

I have attached a copy of my resume.

Kevin

DEFENDANTS' EX. 13

**QuickFacts****Georgia; Wisconsin**QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.**Table**

All Topics	Georgia	Wisconsin
Population estimates, July 1, 2019, (V2019)	10,617,423	5,822,434
PEOPLE		
Population		
Population estimates, July 1, 2019, (V2019)	10,617,423	5,822,434
Population estimates, July 1, 2018, (V2018)	10,519,475	5,813,568
Population estimates base, April 1, 2010, (V2019)	9,688,729	5,687,285
Population estimates base, April 1, 2010, (V2018)	9,688,709	5,687,282
Population, percent change - April 1, 2010 (estimates base) to July 1, 2019, (V2019)	9.6%	2.4%
Population, percent change - April 1, 2010 (estimates base) to July 1, 2018, (V2018)	8.6%	2.2%
Population, Census, April 1, 2010	9,687,653	5,686,986
Age and Sex		
Persons under 5 years, percent	▲ 6.2%	▲ 5.8%
Persons under 18 years, percent	▲ 23.8%	▲ 22.0%
Persons 65 years and over, percent	▲ 13.9%	▲ 17.0%
Female persons, percent	▲ 51.4%	▲ 50.2%
Race and Hispanic Origin		
White alone, percent	▲ 60.5%	▲ 87.1%
Black or African American alone, percent (a)	▲ 32.4%	▲ 6.7%
American Indian and Alaska Native alone, percent (a)	▲ 0.5%	▲ 1.2%
Asian alone, percent (a)	▲ 4.3%	▲ 3.0%
Native Hawaiian and Other Pacific Islander alone, percent (a)	▲ 0.1%	▲ 0.1%
Two or More Races, percent	▲ 2.2%	▲ 2.0%
Hispanic or Latino, percent (b)	▲ 9.8%	▲ 6.9%
White alone, not Hispanic or Latino, percent	▲ 52.4%	▲ 81.1%
Population Characteristics		
Veterans, 2014-2018	636,725	342,796
Foreign born persons, percent, 2014-2018	10.1%	5.0%
Housing		
Housing units, July 1, 2018, (V2018)	4,326,105	2,710,723
Owner-occupied housing unit rate, 2014-2018	63.1%	66.9%
Median value of owner-occupied housing units, 2014-2018	\$166,800	\$173,600
Median selected monthly owner costs -with a mortgage, 2014-2018	\$1,383	\$1,418
Median selected monthly owner costs -without a mortgage, 2014-2018	\$418	\$550
Median gross rent, 2014-2018	\$968	\$837
Building permits, 2018	59,315	19,113
Families & Living Arrangements		
Households, 2014-2018	3,709,488	2,343,129
Persons per household, 2014-2018	2.71	2.40
Living in same house 1 year ago, percent of persons age 1 year+, 2014-2018	84.6%	85.8%
Language other than English spoken at home, percent of persons age 5 years+, 2014-2018	13.9%	8.7%
Computer and Internet Use		
Households with a computer, percent, 2014-2018	88.6%	88.0%
Households with a broadband Internet subscription, percent, 2014-2018	79.0%	80.4%
Education		
High school graduate or higher, percent of persons age 25 years+, 2014-2018	86.7%	91.9%
Bachelor's degree or higher, percent of persons age 25 years+, 2014-2018	30.7%	29.5%
Health		
With a disability, under age 65 years, percent, 2014-2018	8.7%	8.2%
Persons without health insurance, under age 65 years, percent	▲ 15.7%	▲ 6.5%
Economy		

**DEFENDANT'S
EXHIBIT**

13

3-31-20 CG

 PENGAD 800-331-5888
 3-31-20 CG

In civilian labor force, total, percent of population age 16 years+, 2014-2018	62.4%	66.6%
In civilian labor force, female, percent of population age 16 years+, 2014-2018	58.2%	63.0%
Total accommodation and food services sales, 2012 (\$1,000) (c)	18,976,511	10,303,256
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	51,800,643	40,680,625
Total manufacturers shipments, 2012 (\$1,000) (c)	155,836,792	177,728,926
Total merchant wholesaler sales, 2012 (\$1,000) (c)	143,645,290	77,058,883
Total retail sales, 2012 (\$1,000) (c)	119,801,495	79,201,822
Total retail sales per capita, 2012 (c)	\$12,077	\$13,656

Transportation

Mean travel time to work (minutes), workers age 16 years+, 2014-2018	28.4	22.0
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Income & Poverty

Median household income (in 2018 dollars), 2014-2018	\$55,679	\$59,209
Per capita income in past 12 months (in 2018 dollars), 2014-2018	\$29,523	\$32,018
Persons in poverty, percent	▲ 14.3%	▲ 11.0%

**BUSINESSES****Businesses**

Total employer establishments, 2017	233,500 ¹	142,136 ¹
Total employment, 2017	3,888,928 ¹	2,561,381 ¹
Total annual payroll, 2017 (\$1,000)	191,941,305 ¹	121,051,234 ¹
Total employment, percent change, 2016-2017	2.2% ¹	1.5% ¹
Total nonemployer establishments, 2017	915,043	350,624
All firms, 2012	929,864	432,980
Men-owned firms, 2012	480,578	236,252
Women-owned firms, 2012	376,506	133,859
Minority-owned firms, 2012	371,588	40,507
Nonminority-owned firms, 2012	538,893	379,934
Veteran-owned firms, 2012	96,787	39,830
Nonveteran-owned firms, 2012	800,585	370,755

**GEOGRAPHY****Geography**

Population per square mile, 2010	168.4	105.0
Land area in square miles, 2010	57,513.49	54,157.80
FIPS Code	13	55

About datasets used in this table

Value Notes

1. Includes data not distributed by county.

▲ Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info ⓘ icon to the row in TABLE view to learn about sampling error.

The vintage year (e.g., V2019) refers to the final year of the series (2010 thru 2019). *Different vintage years of estimates are not comparable.*

Fact Notes

- (a) Includes persons reporting only one race
- (b) Hispanics may be of any race, so also are included in applicable race categories
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data

Value Flags

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper in open ended distribution.
- D Suppressed to avoid disclosure of confidential information
- F Fewer than 25 firms
- FN Footnote on this item in place of data
- N Data for this geographic area cannot be displayed because the number of sample cases is too small.
- NA Not available
- S Suppressed; does not meet publication standards
- X Not applicable
- Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

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